

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WA.No. 2131 of 2015

JUDGMENT DATED 26-06-2015 IN WP(C) 11385/2015.
.....

APPELLANT/PETITIONER:

**S. VIJAYA KUMAR, AGED 49 YEARS,
S/O.M.SAHADDEVARMA SARMAN, VISAKH BHAVAN,
IYERKULANGARA, VAIKOM P.O,
KOTTAYAM-686 141.**

**BY ADVS.SRI.SANTHARAM.P
SMT.REKHA ARAVIND**

RESPONDENT(S)/RESPONDENTS:

- 1. REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
SHIHAB THANGAL ROAD,
PANAMPILLY NAGAR, ERNAKULAM-680 036.**
- 2. CHIEF PASSPORT OFFICER,
CPV DIVISION, MINISTRY OF EXTERNAL AFFAIRS,
ROOM NO.8, PATIALA HOUSE TILAK MARG,
NEW DELHI-110 001.**

**BY SRI.N.NAGARESH, A S G OF INDIA
SMT.C.G.PREETHA(CGC)**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WA.No. 2131 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

**ANNEXURE I: TRUE COPY OF JUDGMENT IN WP(C)NO.9073/15
 DATED 23.6.2015 OF THIS HON'BLE COURT.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.2131 of 2015

Dated this the 19th day of October 2015

J U D G M E N T

Shaffique, J

This writ appeal is filed by the petitioner challenging the judgment dated 26/06/2015 in W.P.C.No.11385/2015. The writ petition filed by the petitioner was for a direction to the Passport Issuing Authority to effect correction of date of birth. According to the petitioner, his actual date of birth is 21/11/1967 whereas the date of birth shown in the Passport is 08/09/1965. The learned Single Judge did not entertain the writ petition since the application was filed thirty years after the issuance of the passport. The writ petition was dismissed based on the judgment in W.P.C.No.9073/2015 and connected cases which was decided on 23/06/2015.

2. In **Union of India v. Sunil Kumar** [2015(3)KLT 501], we have already relied upon the circular issued by the Central Government with reference to correction of date of birth entries in the passport and having held that it shall be open for the petitioners/appellants to approach the Civil Court for getting

appropriate declaratory decree and thereafter to approach the Passport Issuing Authority orders. The same judgment applies to the factual situation that had arisen in the case.

In the result, the writ appeal is disposed of permitting the appellant to approach the Civil Court for appropriate reliefs in the light of the judgment in **Sunil Kumar** (supra).

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr/19/10/2015

True Copy

PA to Judge

