

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 2444 of 2015 (E)

PETITIONER(S):

**ANVAR P, S/O.MAMMU .P,
AGED 38 YEARS, PERUMPALI HOUSE,
VILAYOOR. P.O., PALAKKAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR,
SRI.K.RAKESH.**

RESPONDENT(S):

**THE PASSPORT OFFICER,
PASSPORT OFFICE, MALAPPURAM, PIN-676 505.**

BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 2444 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE PASSPORT OF THE PETITIONER BEARING
NO.K 3094739.**
- P2- TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE
OF THE PETITIONER.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C). No.2444 of 2015

Dated this the 4th day of February, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.K3094739. The date of birth shown in the passport as '05.03.1971' which according to the petitioner is actually '**29.05.1976**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P2 and accordingly, the petitioner approached the respondent by filing necessary application. The petitioner has been given to understand that, unless the petitioner obtains some favourable orders from a competent Court of law, the request made by the petitioner will not be acceded to, and hence the writ petition.

2. The learned counsel for the petitioner submits that, in view of the law declared by this Court in **Nizar v. Union of India** (2014 (4) KLT 609 and that of in **Swapna Siju Vs. Union of India** (2012 (4) KLT 419), the stand taken by the respondent is liable to be intercepted and the petitioner is entitled to have the relief sought for.

3. The learned Central Government Counsel appearing for

the respondent submits, that the petitioner will have to file an on-line application along with an affidavit explaining how the delay has occurred, also surrendering the existing passport.

4. In the said circumstances, the petitioner is relegated to file an 'on-line' application for correction of date of birth, along with an affidavit as above and the documents relied upon by the petitioner, also surrendering the existing passport before the concerned authority forthwith; on which event, the same shall be accepted and considered by the respondent, passing appropriate orders in accordance with law, within a period of 'three weeks' thereafter.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**

sp