

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 2968 of 2015 (U)

PETITIONER(S):

**RENU SUSAN ROY,
D/O.ROY PATTARUMADATHIL CHERIAN,
PATTARUMADATHIL HOUSE, PALIAKARA, THIRUVALLA.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF EXTERNAL AFFAIRS, CENTRAL SECRETARIAT,
NEW DELHI.**
- 2. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
TRIVANDRUM - 695 001.**

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 2968 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF INDIAN PASSPORT NO. J1275610
ISSUED ON 06/07/2010 BY THE SECOND RESPONDENT TO THE PETITIONER.**

**EXT.P2: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE HEAD OF THE
DEPARTMENT, MINISTRY OF PUBLIC HEALTH, KUWAIT.**

**EXT.P2(a): TRUE ENGLISH TRANSLATION OF EXT.P2 BIRTH CERTIFICATE ISSUED BY
THE HEAD OF THE DEPARTMENT, DEPARTMENT OF ARABIC, UNIVERSITY
OF CALICUT.**

**EXT.P3: TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE LOCAL
REGISTRAR, THIRUVALLA MUNICIPALITY DATED 29/09/2012 IN FAVOUR OF
THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2968 of 2015

Dated this the 24th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) To issue a writ of mandamus or any other appropriate writ order or direction, commanding the second respondent to correct the place of birth of the petitioner as Kuwait instead of Thiruvalla in the light of Exhibit P2 and P2(a) birth certificate in the Passport of the petitioner;

ii) To issue a writ of mandamus or any other appropriate writ order or direction, commanding the second respondent to include the name of the petitioner's spouse Anoop Eipe Kovoov in the Passport of the petitioner in the light of Exhibit P3 Marriage Certificate;

iii) To issue a writ of mandamus or any other appropriate writ order or direction, commanding the second respondent to accept the application submitted by the petitioner and issue a fresh Passport correcting the place of birth as Kuwait instead of Thiruvalla and include the name of the Petitioner's spouse Anoop Eipe Kovoov, in the Passport within a time limit prescribed by this Honourable Court; and

iv) To issue such other appropriate writ order or direction which this Hon'ble Court may deem fit and just under the circumstances of the case."

2. The case of the petitioner is that, she was originally born in Kuwait as disclosed from Exts.P2 and P2(a) (English translation) Birth Certificates issued by the concerned authorities in Kuwait. The petitioner's marriage took place on

14.07.2012 as disclosed from Ext.P3 Certificate of Marriage issued by the Local Registrar, Thiruvalla Municipality dated 29.09.2012. The petitioner wants to join her husband, who is presently working in the United State of America. But, in the Passport bearing No.J1275610 issued by the second respondent, the place of birth of the petitioner has been shown as 'Thiruvalla', which is sought to be corrected as 'Kuwait', based on the certificates as aforesaid. The request made by the petitioner in this regard has been turned down by the second respondent, which made the petitioner to approach this Court by filing the writ petition.

3. A statement has been filed on behalf of the respondents 1 and 2, pointing out in paragraph 3 as follows:

*"3. As per the records maintained in the office of the 2nd respondent passport No.J1275610 dated 06.07.2010 was issued as per file No.TVMB02544110 in which place of birth is written as Thiruvalla, Kerala. She had furnished Secondary School Leaving Certificate issued from M.G.M.H.S.S., Thiruvalla in which place of birth is mentioned as 'Thiruvalla', a true copy of which is produced herewith marked as **Annexure A1**. Now the petitioner wants to correct her place of birth as 'Kuwait' instead of Thiruvalla, Kerala. The petitioner did not furnish any proof to show that her place of birth is a foreign country, such as her own passport used to travel from Kuwait to India/ mother's passport with her name endorsed in it or any other travel document. Now she submitted a*

birth certificate issued from Kuwait before this Hon'ble Court, but not given any proof to show how she entered India from Kuwait. Hence there is a question arising that how she entered India without any travel document."

4. Referring to the mandate of Clause 6(1) of the Passport Manual, 2010, the learned Assistant Solicitor General of India submits that, the correction with regard to the place of birth can be caused to be effected without much deliberation, if the same is in the same District or adjoining Districts. But so far as the same is sought to be made from one State to another, or from India to abroad or vice versa, the case has to be established more meticulously. Since no document was produced by the petitioner as to how the petitioner, stated as borne in Kuwait, came to India and since the S.S.L.C. Book, copy of which has been produced as Annexure A1, reveals that the place of birth is Thiruvalla, there is absolutely nothing wrong on the part of the respondent in having turned down the request made by the petitioner.

5. The petitioner has filed a Reply Affidavit producing the relevant documents as Exts.P4 and P5, to substantiate her version; paragraphs 5 and 6 of which are relevant and hence are reproduced below:

"5. It is submitted that the petitioner's mother Mrs. Annie Roy was issued with Indian Passport No.X326394 by the Regional Passport Officer, Kochi on 9th May, 1985. The photocopy of the relevant pages of Passport No.X326394 belonging to the petitioner's mother is produced and marked as Exhibit P4.

*6. It is submitted that in the relevant column **"accompanied by children whose particulars are mentioned below"** it has been mentioned as **"See p. 15"** (See page 15). It is submitted that the photocopy of the concerned page of passport No.X326394 is produced herewith and marked as Exhibit P5. A perusal of page 15 would reveal that an endorsement has been made to the following effect: **"The particulars of the holder's female child Renu Susan Roy born on 22.02.1987 at Kuwait have been included in this passport"**. This endorsement has been made by Embassy of India at Kuwait."*

6. The learned Standing Counsel submits that, in the light of the additional documents produced, the claim of the petitioner can be caused to be considered; subject to production of the original of the Marriage Certificate and surrender of the Passport bearing No.J1275610 as assured and undertaken by the petitioner in paragraph 8 of the Reply Affidavit.

7. In the said circumstances, the petitioner is required to produce the original of the Marriage Certificate, also surrendering the existing passport before the second respondent forthwith; on which event, the same shall be

accepted and considered by the second respondent, passing appropriate orders in accordance with law, within a period of 'one month' thereafter.

8. The submission of the petitioner that, she has already taken necessary steps to cause the entry in the Annexure A1 S.S.L.C. to be corrected, showing the actual place of birth as 'Kuwait' in place of Thiruvalla, by approaching the concerned authorities, is also recorded and necessary steps shall be taken and finalised in this regard at the earliest.

9. The 2nd respondent need not await the result with regard to the correction of the S.S.L.C. Book sought to be made as mentioned above.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

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

sp