

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 3102 of 2015 (K)

PETITIONER:

**ANTONY A SUNNY, AGED 31,
S/O.SUNNY, ARPPATHANATH HOUSE,
KORMALA, KUTTICHIRA.P.O,
KADUPPASSERY.P.O, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S):

- 1. THE UNION OF INDIA, REPRESENTED BY
ITS SECRETARY TO THE GOVERNMENT,
EXTERNAL AFFAIRS MINISTRY, NEW DELHI.**
- 2. THE REGIONAL PASSPORT OFFICER,
OFFICE OF THE REGIONAL TRANSPORT OFFICE,
COCHIN.**

BY SRI.N.NAGARESH, A S G

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 3102 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 :** **A TRUE COPY OF THE RELEVANT PAGE OF THE PASSPORT OF THE PETITIONER NO.H.0282195 ISSUED DATED 21.8.2008.**
- EXT.P2 :** **TRUE COPY OF BIRTH CERTIFICATE FROM SECRETARY TO REGISTRAR, BIRTH AND DEATHS,KODASSERY GRAMA PANCHAYATH, DATED 16/2/2012.**
- EXT.P3 :** **TRUE COPY OF SSLC BOOK BEARING REG.NO.38628 ISSUED FROM BOARD OF PUBLIC EXAMINATION ON MARCH 2011.**

RESPONDENT(S)' EXHIBITS & ANNEXURES:

- ANNEXURE A1 :** **TRUE COPY OF S.S.L.C. ISSUED FROM VIMALA HIGH SCHOOL VELLIKULANGARA IN THE YEAR 2001.**

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.3102 OF 2015
.....

Dated this the 9th March, 2015

J U D G M E N T

The petitioner has approached this Court seeking for correction of place of birth in the passport bearing No. **H0282195**. The case of the petitioner is that his actual place of birth and date of birth is '**Elinjipra, Kerala**' and '**27.08.1983**', but the same is wrongly entered as '**Chawka, Kerala**' and '**30.05.1985**' in Ext.P1 passport. On coming to know about the mistake, the petitioner had filed application seeking to effect necessary corrections. In support of the case projected by the petitioner, Ext.P2 Birth Certificate has also been produced. Since the application was not acted upon by the second respondent/Regional Passport Officer, insisting to produce the order of competent civil Court to correct the place of birth, the petitioner is now before this Court for getting appropriate relief.

2. The learned counsel for the petitioner relies upon the Circular No.VI/401/2/5/2001 dated 18.04.2001 issued by the Ministry of External Affairs. The relevant clause is extracted below:

"a) *Where an applicant is seeking clarification/correction of a mistake in the*

entry on the date of birth/place of birth in the passport, PIA may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases."

3. Going by the above clause, it is very much obvious that the Birth Certificate issued by the competent authority is sufficient and that the petitioner is entitled to succeed. Whether Ext.P2 extract of Birth Certificate is correct or not, is a matter to be ascertained by the 2nd respondent/Passport Officer and the further course of action will be subject to the outcome of such verification.

4. Heard the learned Asst. Solicitor General, who, relying upon the contents of the statement filed, submits that the petitioner has to approach the second respondent/Passport Officer,(who is having enough power to make the corrections as sought for) with original of the documents in support of his claim.

5. In the said circumstance, the petitioner is relegated to approach the 2nd respondent with original of the documents in support of his claim; upon which the second respondent shall re-consider the application preferred by the petitioner and pass

appropriate orders after ascertaining the correctness/genuineness of Ext.P2 extract of the Birth Certificate and finalise the proceedings in accordance with law. It shall be done at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

**P.R.RAMACHANDRA MENON
JUDGE**

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