

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 3516 of 2015 (L)

PETITIONER(S):

**HAMZAKUTTY C, AGED 38 YEARS,
S/O.HUSSAIN, CHUNDAMPATTA HOUSE, THOOTHU P.O.
KARALMANNA, MALAPPURAM DISTRICT, PIN 679357.**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S):

- 1. THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK
GOVERNMENT OF INDIA, NEW DELHI-110001.**
- 2. THE REGIONAL PASSPORT OFFICER
KOZHIKODE, KOZHIKODE DISTRICT-673001.**
- 3. THE REGIONAL PASSPORT OFFICER
MALAPPURAM, MALAPPURAM DISTRICT-679001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 3516 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF RELEVANT PAGES OF THE PASSPORT BEARING
NO.E2584028 OF THE PETITIONER.**

**EXHIBIT-P2: TRUE COPY OF SECONDRY SCHOOL LEAVING CERTIFICATE ISSUED
FROM BOARD OR PUBLIC EXAMINATIONS, GOVT. OF KERALA,
TRIVANDRUM.**

**EXHIBIT-P3: TRUE COPY OF CIRCULAR DATED 29.10.2007 ISSUED BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C). No.3516 of 2015

Dated this the 19th day of February, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.E2584028. The date of birth shown in the passport as '08.03.1970', which according to the petitioner is actually '**08.03.1976**'. 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 Assistant Solicitor General has filed a statement on behalf of Respondents Nos.1 to 3 in the matter.

Paragraph 4 of the statement reads as follows:

"4. This is a case where the petitioner is trying to mislead this Hon'ble Court by obtaining a passport with ante dated date of birth for obtaining job abroad and after a long period trying to correct the date of birth in passport for undue advantage. As such the passport holder has to surrender his passport with false particulars along with a sworn affidavit explaining the circumstances under which he obtained the passport. The passport with false particulars is to be revoked under Section 10(3) (b) and fresh passport would be issued to the holder after police verification and verifying the genuineness of the supporting documents furnished."

4. The learned Assistant Solicitor General 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.

5. 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, subject to verification of genuineness of factual position, within a period of 'one month' thereafter.

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

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

//true copy//

P.S. To Judge

St/-