

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).NO. 3531 OF 2015 (N)

PETITIONER(S):

**ABDUL RAHEEM ARIKATTAYIL, AGED 39 YEARS,
S/O.ABDUL HAMEED, MADEENI HOUSE,
FEROKE COLLEGE P.O., CALICUT DISTRICT,
NOW RESIDING AT 400 COLD SPRING ROAD,
306 ROCKY HILL, CT. 06067, USA,
REPRESENTED BY POWER OF ATTORNEY HOLDER
ABDUL HAMEED, AGED 71 YEARS, MADEENI HOUSE,
FEROKE COLLEGE P.O., CALICUT.**

BY ADV. SMT.BIMALA BABY.

RESPONDENT(S):

**THE PASSPORT OFFICER,
PASSPORT OFFICE, KOZHIKODE - 673 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).NO. 3531 OF 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1- TRUE COPY OF THE RELEVANT PAGE OF PASSPORT NO. B2348073
OF THE PETITIONER.**

**EXHIBIT-P1(A)- TRUE COPY OF THE RELEVANT PAGE OF THE PASSPORT
NO. J 2034504 OF THE PETITIONER.**

**EXHIBIT-P2- TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE
SECRETARY AND REGISTER OF BIRTHS AND DEATHS,
PURATHUR GRAMA PANCHAYATH.**

**EXHIBIT-P3- TRUE COPY OF THE AMENDED SECONDARY SCHOOL
LEAVING CERTIFICATE OF THE PETITIONER.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3531 of 2015

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner is the holder of the passport bearing No. B2348073. The date of birth shown in the passport as '31.05.1976' which according to the petitioner is actually **05.12.1975**. The petitioner wants to effect correction the date of birth in the passport with reference to the entires in Exts.P2 to P3 and accordingly, the respondent was approached 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 petitioner will have to file an

on-line application along with an affidavit explaining how the delay has occurred.

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 before the respondent 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 the judgment along with a copy of the writ petition before the respondent for further steps. The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Pn