

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No.4573 of 2015 (V)

PETITIONER:

**POTTAYLE THAMBI PAUL,S/O.POTTAYLE THAMBI,
AGED 46 YEARS,RESIDING AT CRIOST VILLA,
MAMALA P.O.,THIRUVANKULAM,ERNAKULAM DISTRICT.**

**BY ADVS.SMT.MINI ELIZABETH GEORGE
SMT.G.VIDYA**

RESPONDENTS:

- 1. THE SECRETARY,MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK,GOVERNMENT OF INDIA,
NEW DELHI-110001.**
- 2. THE REGIONAL PASSPORT OFFICER,
COCHIN PASSPORT OFFICE,PANAMPILLY NAGAR,
ERNAKULAM,COCHIN-682036.**

R1 & R2 BY SRI.N.NAGARESH,ASGI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.4573 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT-P1:TRUE PHOTOCOPY OF THE 1ST PAGE OF THE PASSPORT WITH
NO.Z 1949555.**

**EXHIBIT-P2:TRUE PHOTOCOPY OF THE 1ST PAGE OF THE PASSPORT WITH
NO.F 8664432.**

**EXHIBIT-P3:TRUE PHOTOCOPY OF THE 1ST PAGE OF THE PASSPORT WITH
NO.A 3879879.**

**EXHIBIT-P4:TRUE PHOTOCOPY OF THE 1ST PAGE OF THE PASSPORT WITH
NO.E 100251.**

EXHIBIT-P5:TRUE PHOTOCOPY OF THE 1ST PAGE OF THE S.S.L.C.BOOK.

EXHIBIT-P6:TRUE COPY OF THE JUDGMENT IN W.P.(C).31061/2014.

EXHIBIT-P7:TRUE COPY OF THE ONLINE APPLICATION FOR PASSPORT.

EXHIBIT-P8:TRUE COPY OF THE REQUEST LETTER DT.31/12/2014.

**EXHIBIT-P9:TRUE COPY OF THGE CIRCULAR DATED 29/10/2007 ISSUED BY THE
1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 4573 of 2015

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Dated, this the 10th day of March, 2015

JUDGMENT

The petitioner has approached this Court because of the refusal on the part of the second respondent in granting the relief to the petitioner by effecting correction in the date of birth and name of the father in the passport in conformity with the entries in the SSLC book.

2. The petitioner is the holder of Ext. P1 passport bearing No. Z 1949555, wherein the name of father of the petitioner is given as 'Pottayle Thambi Paul'. Exts. P2, P3 and P4 are the earlier passports wherein also the name of the petitioner has been shown as 'Pottayale Thambi Paul'. The name of the father as it appears in Ext. P5 SSLC book is 'John Paulose'. There is wrong entry in the date of birth as well, in so far as it has been shown as 21.03.1963 in passports, which actually is 21.03.1968 as contended by the petitioner with reference to Ext. P5 SSLC book. These wrong entries were sought to be corrected by approaching the second respondent. It is also pointed out that the petitioner has approached this Court earlier by filing W.P. (C) No. 31061 of 2014, which was disposed of as per Ext. P6 dated

11.12.2014, whereby the second respondent was directed to consider the matter, after ascertaining the genuineness of the claim and to effect the correction accordingly within the time as specified therein. It is seen that the grievance of the petitioner as projected in the said writ petition was only with reference to the entry in the date of birth and that when the petitioner approached the second respondent an endorsement was made on Ext. P7 application with reference to the mistake in the name of the father of the petitioner as well. This made the petitioner to file Ext. P8 application dated 31.12.2014, seeking to effect correction both in the date of birth as well as in the name of the father. Alleging lapses on the part of the concerned respondent in acceding to the request of the petitioner made the petitioner to approach this Court by filing the present writ petition.

3. A detailed statement has been filed by the respondents 1 and 2. Paragraphs 5, 6, 9 and 10 of which are relevant, which are extracted below:

"5. The father's name entered in his passport is "Pottayle Thambi" whereas it is "John Paulose" in the SSLC book. There is difference of 5 years in his date of birth too. The applicants explanation with regard to the difference on the personal particulars entered in

the passport visa-vis his documents in facile and entirely devoid of merit. It is emphasized that entries in the passport relates to an identity of a person. When there are multiple corrections sought in the entries in a passport, such cases are to be handled with extreme caution as the initial passport would have been obtained based on fake/forged documents.

6. The first passport was obtained by the petitioner in 1987. All subsequent passports were issued by Embassy of India, Abu Dhabi in continuation of his 1987 passport. The respondents do not have any records relating to the issue of the said passports. Hence, the documents submitted for obtaining the passports cannot be verified.

7. ****

8. *****

9. The petitioner continued using the the passport for 28 years. It is only when he could no longer function under his false identity, due to the circumstances mentioned in para 2 of the petitioner, that he has approached the respondents for correction in his passport. The respondents are not duty bound to correct any misdeeds of the petitioner unless the same is contended thoroughly in a court of law. Whilst the petitioner filed W.P.(C) 36061 of 2014, to obtain favourable orders with regard to his date of birth, he

never brought out the fact of the difference in his father's name before this Hon'ble Court.

10. The father's name entered in his passport that in his SSLC book are as different as chalk and cheese. The respondents are unable to establish any relation between the two petitioner wants the father's name to be corrected as a matter of routine. The Passport Rules and the Passport Manual 2010 is silent regarding correction to the father's name in a passport. The petitioner had obtained the passport declaring that whatever information he had submitted before the respondents were true and that he was solely responsible for its accuracy. Now he is turning back on his declaration. It is reiterated that correction in the date of birth is not disputed by the respondents as there is specific direction regarding the same in Court Order but only the correction regarding the father's name wherein ambiguity prevails is objected."

4. After hearing both the sides, this Court finds that the petitioner obtained the passport based on the application preferred by the petitioner before the concerned authority, also producing copies of the relevant documents declaring and certifying the same as true copy of the originals and on substantiating the position with reference to the original records. The petitioner did not have any

grievance with regard to the alleged mistake crept in the passport at any point of time right from the date of first issuance and the repeated renewals, as evident from Exts. P1 to P4. The first passport was issued as early as in the year 1987. It is also relevant to note that name of the father as given in the affidavit filed in support of the present writ petition as well is given as S/o Pottayle Thambi. When the learned counsel for the petitioner was confronted in this regard, an I.A. has been filed by the petitioner seeking to have the said entry corrected. But on going through the contents of Ext. P6 judgment, it is seen that the petitioner had approached this Court describing himself as S/o Pottayale Thambi and the description has been given accordingly in the cause title of Ext. P6 judgment.

In the above circumstances, this Court does not find it as a fit case to call for interference. Interference is declined and the writ petition is dismissed.

Sd/-

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

W.P.(C) No. 4573 of 2015

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