

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 4598 of 2015 (Y)

PETITIONER(S):

**HAMSA P.A.,
S/O.ABDULKHADER, PUZHANKARAILLATH, CHALINGAD,
KAIPAMANGALAM, THRISSUR DISTRICT.**

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT(S):

**1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI - 100 001.**

**2. THE PASSPORT OFFICER,
KOCHI, ERNAKULAM - 682 536.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 4598 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1: THE TRUE COPY OF THE PASSPORT OF THE PETITIONER DT. 21/2/2007.

**EXT. P2: THE TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE REGISTRAR
OF BIRTH DEATHS, KAIPAMANGALAM GRAMA PANCHAYAT DT. 16/5/2014.**

**EXT. P3 AND P3(A): THE TRUE COPIES OF THE ONLINE APPLICATION RECEIPT AND
CHALLAN DT. 3/2/2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.4598 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.F 7911269. The date of birth shown in the passport as '12.5.1957' which according to the petitioner is actually '**12.5.1959**'. 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 first 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 Central Government Counsel appearing for

W.P.(C).No.4598 of 2015

the respondents 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.

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, also surrendering the existing passport before the 2nd respondent forthwith; on which event, the same shall be accepted and considered by the 2nd respondent, passing appropriate orders in accordance with law, within a period of 'one month' thereafter.

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.

Sd/-

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

rkc.