

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 5299 of 2015 (J)

PETITIONER :

**ASHARAF @ BAVA,
S/O.ABOOBACKER, AMBALANGADAN HOUSE,
PULLUR, KARUVAMBRAM P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH**

RESPONDENT :

**THE PASSPORT OFFICER,
PASSPORT OFFICE, MALAPPURAM,
PIN - 676 505.**

BY ADV. SRI.N.NAGARESH, ASGI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 5299 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: TRUE COPY OF THE PASSPORT OF THE PETITIONER BEARING
 NO.Q405850.**

**EXT.P2: TRUE COPY OF THE RELEVANT PAGES OF SECONDARY SCHOOL
 LEAVING CERTIFICATE OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.5299 OF 2015
.....

Dated this the 5th March, 2015

J U D G M E N T

The petitioner is the holder of the passport bearing No. Q405850. The date of birth wrongly shown in the passport as '**10.04.1971**', according to the petitioner, is actually '**01.05.1976**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P2 and accordingly, the respondent/Passport Officer 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. It is also submitted that the petitioner has to surrender his passport.

4. In the said circumstances, the petitioner is relegated to file an 'on-line' application for correction of date of birth, also surrendering the passport, 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/Passport Officer, 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.

P.R.RAMACHANDRA MENON
JUDGE

/k