

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 6599 of 2015 (Y)

PETITIONER:

**ABDUL SATHAR K.P., AGED 37 YEARS
S/O. HAMSAKUTTY, KIZHAKKE PALLATH, MAPPATTUKARA
P.O. KULUKKALLUR - 679 337, PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENTS:

- 1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF MINISTRY OF EXTERNAL AFFAIRS
PATIALA HOUSE, NEW DELHI - 110 001.**
- 2. THE PASSPORT OFFICER
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR
ERNAKULAM - 682 036.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

**EXT.P1 : COPY OF THE RELEVANT PAGE OF THE SECONDARY SCHOOL
LEAVING CERTIFICATE OF THE PETITIONER.**

**EXT.P1(A) : COPY OF THE PETITIONER'S VOTER'S IDENTITY CARD
NO. TJO 0067330.**

**EXT.P2 : COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING
NO. FO968735.**

**EXT.P3 : COPY OF THE APPLICATION DATED 20/01/2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT FOR
CORRECTION OF DATE OF BIRTH AND RE-ISSUE OF THE
PASSPORT.**

**EXT.P3(A) : COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE
OF THE 2ND RESPONDENT ACKNOWLEDGING EXHIBIT P3
APPLICATION.**

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6599 of 2015

Dated this the 9th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.K3094739. The date of birth shown in the passport as '**20.05.1973**' which according to the petitioner is actually '**15.04.1978**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P1&P1(a) and accordingly, the petitioner approached the second 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 second 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 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 concerned authority forthwith; on which event, the same shall be accepted and considered by the respondents, passing appropriate orders in accordance with law, within a period of 'three weeks' thereafter.

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

The writ petition is disposed of.

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

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