

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 6626 of 2015 (C)

PETITIONER:

**RIYAS ABBAS, S/O.NOUSHAD ABBAS,
JASMI MANZIL, EDATHARA, KALANJOOR. P.O,
PATHANAPURAM, KOLLAM.**

BY ADV. SRI.T.K.ANANDA KRISHNAN.

RESPONDENTS:

- 1. THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK,
GOVERNMENT OF INDIA, NEW DELHI-110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
TRIVANDRUM PASSPORT OFFICE,
THIRUVANANTHAPURAM.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT
 BEARING NO.K.4627031 OF THE PETITIONER.
- EXT.P2 TRUE COPY OF THE S.S.L.C BOOK.
- EXT.P3 TRUE COPY OF THE ORDER REJECTING THE APPLICATION OF
 THE PETITIONER FOR CORRECTING THE DATE OF BIRTH OF
 THE PETITIONER DATED 27.02.2015.
- EXT.P4 TRUE COPY OF THE CIRCULAR DATED 29.10.2007 ISSUED BY
 THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R.RAMACHANDRA MENON, J.

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Dated this the 19th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.K4627031. The date of birth shown in the passport as '10.5.1967' which according to the petitioner is actually '10.5.1972'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in the relevant documents 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 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

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application along with an affidavit explaining how the delay has occurred, also surrendering the existing passport. A statement has filed on behalf of the respondents.

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 second respondent, 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 second respondent, for further steps.

The writ petition is disposed of.

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

kp/rkc.