

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 7038 of 2015 (D)

PETITIONER(S):

**ESAHAK NAISAM, AGED 34 YEARS
S/O.ESAHAK OMMAR RAWTHER,
K.K.VILLA, KALLUVETTANKUZH
MANCODE PO, CHITHARA, KOLLAM CITY-691 559.**

**BY ADVS.SRI.S.U.NAZAR
SRI.MANSOOR.B.H.**

RESPONDENT(S):

**REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE
THIRUVANANTHAPURAM-695 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 7038 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** TRUE COPY OF THE PASSPORT BEARING NO.B 1057825 ISSUED BY THE RESPONDENT.
- EXT P2 :** A TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE SECRETARY & REGISTRAR OF BIRTHS AND DEATH, ANCHAL GRAMA PANCHAYATH.
- EXT P3 :** A COPY OF THE ONLINE APPLICATION RECEIPT ISSUED FROM PASSPORT SEVA KENDRA, VAZHUTHACAUD, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7038 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.**B 1057825**. The date of birth shown in the passport as '**24.04.1978**', which according to the petitioner is actually '**21.04.1981**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P2 Birth Certificate and accordingly, the petitioner approached the 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 respondent 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 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 respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

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