

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 7761 of 2015 (U)

PETITIONER:

**ABDUSSALAM EDAKKANDAN, AGED 38 YEARS,
S/O. ABDURAHMAN MUSLIYAR EDAKKADAN, EDAKKANDAN HOUSE,
KAIPATTA, MATTATHUR P.O., MALAPPURAM DIST-676 528.**

BY ADV. SRI.P.K.MOHAMED JAMEEL

RESPONDENTS:

- 1. UNION OF INDIA,
REP. BY THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI-110 001.**
- 2. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, INTERCITY ARCADE,
DOWNHILL POST, MALAPPURAM, KERALA-676 519.**

R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 7761 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- THE TRUE COPY OF THE ACKNOWLEDGMENT LETTER HAVING FILE NO. ML1071698525112.

EXHIBIT P2- TRUE COPY OF THE ENQUIRY SLIP DATED 10-09-2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3- TRUE COPY OF THE RELEVANT PAGE OF THE SECONDARY SCHOOL LEAVING CERTIFICATE, GOVT. HIGH SCHOOL, VENGARA.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.7761 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. E5332666. The date of birth shown in the passport as '02.05.1972' which according to the petitioner is actually **02.05.1976**. The petitioner wants to effect correction the date of birth in the passport with reference to the entires in Exts.P1 to P3 and accordingly, the 2nd respondent 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. In the said circumstances, the petitioner is relegated to file an 'on-line' application for correction of date of birth, along with an affidavit explaining the queries raised by the respondents and the documents relied upon by the petitioner before the 2nd respondent 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 the judgment along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of.

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

sj