

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937**

**WP(C).No. 7767 of 2015 (U)**  
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**PETITIONER :**  
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**RAFEEQ N.P., AGED 41 YEARS  
S/O.ABDUL KAREEM, NELLAYA PUTHAN PEEDIKAKKAL HOUSE  
THOOTHU P.O., ANAMANGAD, MALAPPURAM DISTRICT  
PIN-679 357.**

**BY ADV. SRI.C.M.KAMMAPPU**

**RESPONDENT(S) :**  
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- 1. THE SECRETARY  
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK  
GOVERNMENT OF INDIA, NEW DELHI-110 001.**
- 2. THE REGIONAL PASSPORT OFFICER  
KOZHIKODE, KOZHIKODE DISTRICT-673 001.**
- 3. THE REGIONAL PASSPORT OFFICER  
MALAPPURAM, MALAPPURAM DISTRICT-679 001.**

**R1 TO R 3 BY ADV. SRI.N.NAGARESH, ASGI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**APPENDIX**

**PETITIONER'S EXHIBITS :**

- EXT.P1 : COPY OF RELEVANT PAGES OF THE PASSPORT BEARING  
NO. K3048974 OF THE PETITIONER.
- EXT.P2 COPY OF EXTRACT OF ADMISSION REGISTER ISSUED FROM THE  
DARUL ULOOM HIGHER SECONDARY SCHOOL, THOOTHU.
- EXT.P3 COPY OF CIRCULAR DATED 29.10.2007 ISSUED BY THE 1ST  
RESPONDENT.

**RESPONDENT'S EXHIBITS : NIL**

**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**P.R.RAMACHANDRA MENON, J.**  
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**W.P.(C) No.7767 of 2015**  
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**Dated this the 27<sup>th</sup> day of March, 2015**

**JUDGMENT**

The petitioner is the holder of the passport bearing No. b2061437. The date of birth shown in the passport as '10.03.1968' which according to the petitioner is actually **12.04.1978** and the spelling of the name is entered as 'Rafeek ' instead of **Rafeeq N.P.** The petitioner wants to effect correction in the date of birth and spelling of the name in the passport with reference to the entires in Exts.P2 and accordingly, the 2<sup>nd</sup> 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. The learned Central Government Counsel appearing for the respondents submits that petitioner will have to file an on-line application along with an affidavit explaining how the delay has occurred. A statement has been filed by the Assistant Solicitor General of India on behalf of respondents 1 to 3.

4. In the said circumstances, the petitioner is relegated to file an 'on-line' application for correction of date of birth and spelling of the name, along with an affidavit as above and the documents relied upon by the petitioner before the 2<sup>nd</sup> 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 2<sup>nd</sup> respondent for further steps. The writ petition is disposed of.

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

vdv

The date of birth of the petitioner shown as **“12.04.1978”** occurring in the first paragraph of the judgment dated 27/03/2015 in W.P.(C) No.7767/2015 is corrected as **“08.03.1974”** as per order dated 07.10.2015 in R.P No.708/2015 in W.P.(C) No.7767/2015.

Sd/-  
The Registrar (Judicial)