

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 8157 of 2015 (T)

PETITIONER :

**RUNNO VIVARA,
S/O.ENASSY, PEEDIYAKKAPARAMBU,
CHERANALLOOR P.O., ERNAKULAM -682 504.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT(S):

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

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8157 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RELEVANT PAGE OF THE S.S.L.C BOOK OF THE PETITIONER**
- P2: TRUE COPY OF THE RELEVANT PAGE OF THE PASSPORT OF THE PETITIONER**
- P3: TRUE COPY OF THE ONLINE APPLICATION SUBMITTED BY THE PETITIONER**
- P4: TRUE COPY OF THE JUDGMENT DATED 3/2/2015 IN WPC.NO. 2109/2015 OF THIS HON'BLE HIGH COURT.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8157 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. G 7715330. The same is valid till 20.02..2018. The date of birth shown in the passport is '24.02.1960' which according to the petitioner is actually **26.02.1966**. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P1 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. The learned Central Government Counsel appearing for the respondents submits their version with reference to the statement filed on behalf of the respondents. Paragraphs 4, 6, 7 & 9 are relevant which read as follows:

"4. The petitioner obtained his first passport before 1995 when passport issuance was not computerized. Therefore, the record relating to his first passport is no longer available with the Respondents. The data entered in the first passport is carried over to subsequent passports. The averment of the petitioner is that 'it was an inadvertent mistake'. The Respondents are not satisfied regarding the explanation furnished by the petitioner. He has been holding a passport for more than 20 years and is a frequent traveler. It is the duty of every passport holder to verify the data entered therein before he makes use of the same to travel abroad. Any errors in the passport are to be brought to the notice of the issuing authority and necessary corrections made at the earliest.

6. It may be noted that the petitioner is not likely to overlook the details in his passport when it was issued to him. It is but common nature that a traveler double checks his documents before a journey is undertaken. The arguments of the petitioner that he did not notice the mistake hitherto is not convincing and difficult to digest. The petitioners wished to mask his identity and hence he continued to carry the passport with a false date of birth. Now that the exigencies of circumstances have forced him to have the date of birth corrected, he has approached the Hon'ble Court with the petition. The petitioner's motive in having obtained his first passports are suspect and hence the correction in the passport cannot be effected as a matter of fact. Petitioner have to explain the reasons for obtaining a passport with incorrect particulars in a court of law before a decision can be made in the matter.

7. An application for passport is received at the Passport Office only with supporting documents. The details are then forwarded for police verification and on receipt of clear verification report a passport is issued. In the case of handwritten passports (such as the first passport held by the petitioner) the data entered in the application are cross checked with the documents submitted, at 3 different stages of

processing before a passport is issued. It is unlikely that such a mistake as alleged by the petitioner occurred on the part of the Passport Issuing Authority. Therefore, it is suspected that the petitioner had obtained his initial passports with false particulars based on fake/forged documents.

9 Passport is a document of identity of a person and the date of birth plays a very important role in establishing his identity. In the present case the variation in the date of birth is 6 years. Correcting the date of birth in the passport without properly investigating the fact that amounts to manipulating the identity of a person. The PIA does not want to involve in such an exercise."

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 explaining the queries raised by the respondents as above in their statement 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.

sd/-

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