

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 8190 of 2015 (W)

PETITIONER :

**BIJOY BABU,
S/O.BABU CHERIAN, AGED 40 YEARS
RESIDING AT THEMPATHU PARAMBIL CHERIYAN COTTAGE
UNICHIRA, CHANGAMPUZHA NAGAR P.O.,
ERNAKULAM DISTRICT.**

**BY ADVS.SMT.MINI ELIZABETH GEORGE
SMT.G.VIDYA**

RESPONDENT(S) :

- 1. THE SECRETARY
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK
GOVERNMENT OF INDIA, NEW DELHI-110001.**
- 2. THE REGIONAL PASSPORT OFFICER
PASSPORT OFFICE, PANAMPILLY NAGAR, ERNAKULAM
COCHIN-682036.**

R1 & R2 BY ADV. SRI.N.NAGARESH, ASGI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 8190 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT-P1: TRUE PHOTOCOPY OF THE 1ST PAGE OF THE PASSPORT WITH
NO.J 8110983.**

EXHIBIT-P2: TRUE COPY OF THE 1ST PAGE OF S.S.L.C. BOOK.

EXHIBIT-P3: TRUE COPY OF THE IDENTITY CARD WITH NO.ZFNO389387.

EXHIBIT-P4: TRUE COPY OF ONLINE APPLICATION FOR PASSPORT.

EXHIBIT-P5: TRUE COPY OF THE REQUEST LETTER DATED 05.03.2015.

**EXHIBIT-P6: TRUE COPY OF THE CIRCULAR DATED 29.10.2007 ISSUED BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C). No.8190 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.J8110983. The date of birth shown in the passport as '**18.05.1968**', which according to the petitioner is actually '**18.05.1975**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P2 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 v. 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 Assistant Solicitor General 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 'three weeks' 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.

St/-