

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. 8637 of 2015 (D)

PETITIONER(S):

**JAFERKHAN, AGED 48 YEARS,
S/O. ABUBAKKER, NETTUKUDIYIL HOUSE, PALLIKKARA,
KUMARAPURAM P.O., ERNAKULAM - 683 565.**

**BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN
SRI.P.V.JEEVESH**

RESPONDENT(S):

- 1. REGIONAL PASSPORT OFFICER, KOCHI,
PANAMPILLY NAGAR, ERNAKULAM - 682 016.**
- 2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI - 110 001.**

**R1 & R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

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

msv/

WP(C).No. 8637 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE PETITIONER'S PRESENT PASSPORT.

EXHIBIT-P2-TRUE COPY OF THE ADHAR CARD OF THE PETITIONER.

EXHIBIT-P3-TRUE COPY OF THE DRIVING LICENCE OF THE PETITIONER.

**EXHIBIT-P4-TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF
THE PETITIONER.**

EXHIBIT-P5-TRUE COPY OF THE SAID REPRESENTATION DATED 05/03/2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8637 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.F2525530. The date of birth shown in the passport as '**15.05.1960**' which according to the petitioner is actually '**15.05.1967**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Exts.P2-P4 and accordingly, the petitioner approached the concerned 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 respondents 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 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 respondents, 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 respondents, for further steps.

The writ petition is disposed of.

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

sp