

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 8693 of 2015 (J)

PETITIONER(S):

- * **KOYAMON, AGED 39 YEARS,
S/O. KASSIMKUTTY, MOOSAKKANTEPURAKKAL, EDAKKADAPPURAM,
KOZHIKODE - 673 001. [CORRECTED]**
- * **KOYAMON A.P.,
ALIKAKKANTE PURAKKAL, KORMAN KADAPPURAM, TANUR P.O.,
TANUR, MALAPPURAM - 676 302.**
- * **IS CORRECTED AS PER ORDER DATED 25.06.2015 IN IA 7881/15.]**

BY ADV. SRI.NIRMAL. S

RESPONDENT(S):

- 1. UNION OF INDIA,
REP. BY ITS SECRETARY, MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI - 110 001.**
 - 2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, KOZHIKODE - 673 001.**
- * **ADDITIONAL R3 IMPEADED.**
 - * **3. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, MALAPPURAM - 676 505.**
 - * **ADDL.R3 IS IMPEADED AS PER ORDER DATED 11.06.2015 IN IA 7882/15.**

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

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APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE RELEVANT PAGE OF PASSPORT.

**P2 - TRUE COPY OF THE ABSTRACT OF SECONDARY SCHOOL LEAVING CERTIFICATE
OF THE PETITIONER'S SCHOOL.**

P3 - TRUE COPY OF THE ONLINE APPLICATION RECEIPT.

P4 - TRUE COPY OF THE ELECTION IDENTITY CARD OF UNCLE KASIMKUTTY.

P5 - TRUE COPY OF THE ELECTION IDENTITY CARD OF PETITIONER'S MOTHER.

P6 - TRUE COPY OF THE AADHAR CARD OF THE PETITIONER'S MOTHER.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.

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Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner had approached this Court with the above writ petition, in which the correction of date of birth was sought for in a passport issued about 20 years back. The learned Counsel for the respondent opposes the prayer since, the declaration made 20 years back could not be corrected and the petitioner has been asking for correction reducing his age by 5 years. The date of birth entered in the passport is 08.06.1971 as per the declaration made by the petitioner. The petitioner now on the basis of Ext.P2 seeks correction to 20.05.1976.

2. Before considering the prayer for correction of date of birth, a further controversy has occurred on the counter affidavit of the respondent being filed. The petitioner had filed the above writ petition describing himself as :

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Koyamon, S/o Kassimkutty, Aged 39 years,
Moosakantepurakkal, Edakkadappuram,
Tanur P.O, Malappuram.

4. The respondent pointed out that the name and address as also the father's name differs considerably from that shown in the cause title. Hence the petitioner has now filed an amendment application seeking correction of the cause title in the following manner:

'Koyamon A.P, Alikakkante Purakkal, Korman
Kadappuram, Tanur P.O, Malappuram- 676 302.

5. The learned Counsel for the respondent would oppose the correction application on the ground that, there is considerable difference in the S.S.L.C certificate produced by the petitioner and the correction now sought for. In any event the learned Counsel for the petitioner explains that the mistake occurred only due to the fact that the learned Counsel had relied on the S.S.L.C certificate to prepare the cause title. However at the time when the petitioner sat for the S.S.L.C examination, the

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petitioner is said to have been with the grand father. The name entered in the S.S.L.C certificate as Koyamon M.P was adopting the initials of the grand father, whose name is Kunhi Mohammed M.P. This fact is clear from a reading of the S.S.L.C certificate. The further submission is that the name of the father as entered in Ext.P2 is Kassim Kutty while the name of the father entered in the passport is Kasmi Kutty. This definitely would have been a bona fide mistake. The petitioner could also file an application for correction of the father's name in the passport in accordance with the Rules.

6. What is to be considered now is the question of correction of date of birth. Admittedly, the petitioner had been issued with a passport 20 years back on the basis of a declaration made by him with respect to the date of birth. The petitioner had been using the passport continuously and had also renewed it once.

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7. In such circumstance, it may not be proper for this Court to issue any directions to make the correction since even now the reliance placed is on the basis of the declaration in Ext.P2 S.S.L.C certificate. It cannot also be ignored that even on the showing of the petitioner, the details entered in the S.S.L.C certificate are not correct for reason of the mistakes aforesaid noticed. In any event the issue as far as correction of date of birth is concerned, is covered by the judgment of this court in W.P.(C) No.9073 of 2015 and connected cases dated 23.06.2015.

The writ petition hence would stand dismissed. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy ///

P.A to Judge.