

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 8879 of 2015 (H)

PETITIONER

**P.M.HANEEFA, AGED 56 YEARS
S/O.PAMBINEZHUTH ABDULLA
RESIDING AT PAMBINEZHUTH HOUSE, MATHELAKAM (PO)
THRISSUR DISTRICT, PIN-680 683.**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM P.S.
SRI.T.P.ABDUL HAMEED
SMT.RUKSANA K. ZUBAIR**

RESPONDENT(S):

**1. THE REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE, PASSPORT OFFICE BUILDING
PANAMPILLY NAGAR (PO), ERNAKULAM DISTRICT, PIN-682036.**

**2. UNION OF INDIA,
REP. BY SECRETARY, MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI, PIN-110 011.**

R1&2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 8879 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : TRUE COPY OF THE EXTRACT OF ADMISSION REGISTER, ISSUED
BY THE HEADMISTRESS UPS KALARIPARAMBA, MATHILAKAM.**

**EXT P2 : TRUE COPY OF THE PASSPORT NO.L 3456231 ISSUED FROM
JEDDAH ON 03-09-2013 TO THE PETITIONER.**

**EXT P3 : TRUE COPY OF THE ONLINE APPOINTMENT RECEIPT DATED
16-02-2015 BEFORE THE 1ST RESPONDENT'S OFFICE.**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

P.R. RAMACHANDRA MENON,J

.....
W.P.(C) No.8879 OF 2015

.....
Dated this the 1st day of April, 2015.

J U D G M E N T

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The petitioner is the holder of the passport bearing No.L 3456231. The same is valid till 02-09-2023. The date of birth shown in the passport is '05-05-1958' which according to the petitioner is actually **05-05-1968**. The petitioner wants to effect correction of date of birth in the passport with reference to the entries in Ext.P1, the 1st 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. Paragraph 4,5,7,9 of the statement filed by the respondents reads 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 date 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.

5 The Respondents are duty bound to ascertain the factors that led to incorrect entries in the passport before such mistakes are to be corrected at their discretion. Any mistake if established as clerical is corrected at the discretion of the Passport Issuing Authority. However, the records pertaining to the issue of the first passport to the petitioner is no longer available with the Respondents and hence, the respondents are not able establish the causes for the alleged incorrect entries.

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 10 years. Correcting the date of birth in the passport without properly investigating the fact tantamounts 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 1st respondent forthwith; on which event, the same shall be accepted and considered by the first 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 1st respondent for further steps. The writ petition is disposed of.

smm

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

