

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.9101 of 2015 (K)

PETITIONER:

**T.P.SAYED MOHAMMED,S/O.KUNJU MOHAMMED PAREETH,
AGED 73 YEARS,THANNOOR THOTTUNKAL,
THURUTHIBHAGOM,NADUVATHU NAGAR P.O.,
ROOKUTTY,ALAPPUZHA DISTRICT,KERALA,PIN:688 559.**

BY ADV. SRI.A.DINESH RAO

RESPONDENT'S:

- 1. THE REGIONAL TRANSPORT OFFICER,
REGIONAL PASSPORT OFFICE BUILDING,
PANAMPILLY NAGAR P.O.,COCHIN - 682 036.**
- 2. PASSPORT SEVA KENDRA,
REGIONAL PASSPORT OFFICE BUILDING,
PANAMPILLY NAGAR P.O.,COCHIN - 682 036.**

R1-R2 BY SRI.N.NAGARESH,ASGI

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

pk

WP(C).No.9101 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P-1:TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT ISSUED TO
THE PETITIONER.**

**EXT.P-2:TRUE COPY OF THE CERTIFICATE ISSUED BY THE NUR-UL-HUDA
ARABIC UPPER PRIMARY SCHOOL, KANJIRAPPALLY DATED 10.9.1961.**

**EXT.P-3:TRUE COPY OF THE TRANSFER CERTIFICATE ISSUED BY THE NURUL
HUDA ARABIC COLLEGE, KANJIRAPPALLY DATED 23.12.1964.**

**EXT.P-4:TRUE COPY OF THE PRINT APPLICATION RECEIPT DATED 16.3.2015
ISSUED BY THE 2ND RESPONDENT.**

**EXT.P-5:TRUE COPY OF THE PENSION PAYMENT ORDER ISSUED BY THE
ACCOUNTS OFFICER,OFFICE OF THE ACCOUNTANT GENERAL (A&E),
KERALA,TRIVANDRUM DATED 3.9.1992.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9101 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

The petitioner is the holder of the passport bearing No. H6620595. The date of birth shown in the passport as '08.01.1950' which according to the petitioner is actually **20.05.1942**. The petitioner wants to effect correction the date of birth in the passport with reference to the entires in Exts.P2 to P5 and accordingly, the 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 respondent submits that petitioner will have to file an on-line application along with an affidavit explaining how the delay has occurred.

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 before the 1st respondent forthwith; on which event, the same shall be accepted and considered by the 1st 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.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.