

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

W.P.(C).No.14282 of 2015 (I)

PETITIONER(S):-

ABDUL AZEES ALANGADAN, AGED 47 YEARS,
ALANGADAN HOUSE, ELAMKUR, MANHAPPATTA P.O.,
MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SAMSUDIN
SRI.M.S.MOHAMMED ANSARY
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI - 110 001.
2. REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
INTERCITY ARCADE DOWNHILL P.O. - 676 505, MALAPPURAM.
3. THE OFFICER IN CHARGE,
PASSPORT SEVA KENDRA, MALAPPURAM - 676 505.

R1 TO R3 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.14282 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1. TRUE COPY OF THE PASSPORT BEARING NO.E5961781.

EXHIBIT P2. TRUE COPY OF THE 1ST PAGE OF THE SCHOOL LEAVING
CERTIFICATE OF THE PETITIONER.

EXHIBIT P3. TRUE COPY OF THE FILE CLOSING REPORT ISSUED BY THE
2ND RESPONDENT DATED 12.09.2013.

RESPONDENT(S)' EXHIBITS/ANNEXURES:-

ANNEXURE R2(a) TRUE COPY OF THE STATEMENT DATED 30.08.2013
ADDRESSED TO THE PASSPORT OFFICER, MALAPPURAM.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.14282 of 2015-I

Dated this the 28th day of May, 2015

JUDGMENT

The petitioner seeks for quashing Exhibit P3 and for directing acceptance of an application for issuance of Passport, which was rejected as per Exhibit P3.

2. At the outset, it has to be noticed that Exhibit P3 is an order issued by the official respondents on 12.09.2013 and it may not be proper for this Court to interfere with Exhibit P3 after about 1½ years, especially on the facts disclosed with respect to the rejection at Exhibit P3 as stated hereunder.

3. The statement filed by the official respondents indicate that the Passport issued at Exhibit P1 had expired on 28.07.2013, as is evident from Exhibit P1 itself. The petitioner had in fact filed an application, which was considered and rejected as per Exhibit P3. It is submitted by the learned counsel for the petitioner that on the expiry of Exhibit P1, there was a fresh Passport application filed, which was rejected at Exhibit P3.

4. A reading of Exhibit P3 and the statement filed, would disclose that on the application filed by the petitioner, the official respondents had conducted an enquiry. The police verification report disclosed that the personal particulars of the petitioner declared at the time of issuance of the Passport were incorrect and there was a difference of almost six years in the date of birth. In such circumstance, the application was closed by Exhibit P3, which was not challenged by the petitioner.

5. Even as per the averments in the writ petition, it is revealed that the reasons stated by the official respondents in Exhibit P3 are correct. Exhibit P1 shows the date of birth of the petitioner as 10.03.1958, while the Secondary School Leaving Certificate produced at Exhibit P2 indicates his date of birth as 21.05.1964. Exhibit P2 Certificate was issued in 1979 and when the Passport application was filed, the same was with the petitioner and the petitioner had deliberately declared a wrong date of birth. In such circumstance, this Court does not find any reason to interfere with Exhibit P3 for reason of the delay in filing

the application and also the reasons stated in the order. However, as indicated in Exhibit P3, the petitioner would be reserved liberty to file fresh application, if permissible in law.

The writ petition is dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkx/-

[true copy]