

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 15765 of 2015 (U)

PETITIONER(S):

**IQBAL K.N., AGED 29 YEARS,
S/O. NEGIMUDHEEN KALLEPPURAM, FLAT NO. 11-F,
PEEVEES TRITON, MARINE DRIVE, SHANMUGHAM ROAD,
BROADWAY, ERNAKULAM-682 031.**

**BY ADVS.SRI.K.SHIBILI NAHA
SRI.SAJU RAGHAVAN**

RESPONDENT(S):

**REGIONAL PASSPORT OFFICER,
COCHIN, PIN - 682 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT.

EXHIBIT P2- TRUE COPY OF THE APPLICATION DATED 18-05-2015 SUBMITTED BY
THE PETITIONER SEEKING CORRECTION OF DATE OF BIRTH.

EXHIBIT P3- TRUE COPY OF THE APPLICATION DATED 18-05-2015 REQUESTING
CORRECTION OF SPELLING.

EXHIBIT P4- TRUE COPY OF THE PAN CARD ISSUED TO THE PETITIONER.

EXHIBIT P5- TRUE COPY OF THE AADHAAR CARD.

EXHIBIT P6- TRUE COPY OF THE ELECTION I D CARD ISSUED TO THE PETITIONER.

EXHIBIT P7- TRUE COPY OF THE DRIVING LICENSE SUBMITTED BEFORE THE
RESPONDENT.

EXHIBIT P8- TRUE COPY OF THE CB S E CERTIFICATE.

EXHIBIT P9- TRUE COPY OF A I S E MARK SHEET.

EXHIBIT P10- TRUE COPY OF THE NOTARIZED AFFIDAVIT DATED 18-05-2015.

EXHIBIT P11- TRUE COPY OF THE ONLINE APPOINTMENT RECEIPT.

RESPONDENT(S)' ANNEXURES:

ANNEXURE R1(a): TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE HEALTH
OFFICER AND REGISTRAR OR BIRTH AND DEATHS,
CORPORATION OF COCHIN DTD.16.2.1989.

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.

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Dated this the 24th day of June, 2015

J U D G M E N T

The petitioner seeks correction of date of birth in the passport from 09.07.1985 to 05.07.1986 and also correction of his father's name. The petitioner contends that the passport was obtained in the year 2000 and by mistake the date entered was 09.07.1985. Subsequently in all the declarations before the various authorities as is indicated at Ext.P4 the PAN Card, Ext.P5 the Adhaar Card, Ext.P6 the Election ID Card, Ext.P7 the Driving Licence and Ext.P8 CBSE certificate and Ext.P9 AISE mark sheet; the date of birth is 05.07.1986. The petitioner's submission is that it was only due to a mistake that the date of birth was entered as 09.07.1985 in the passport.

2. However the said contention is belied by Ext.R1(a) document produced by the respondents. At the time of

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application for passport, the petitioner had produced the Birth Certificate issued by the Registrar of Birth and Deaths wherein, his date of birth is indicated as 09.07.1985.

3. In such circumstance, no reliance can be placed on the various documents produced by him since all of them are on the basis of the declarations made by the petitioner or his parents before the authorities at the time of issuance of such documents. The Birth Certificate issued by a statutory authority has prevalence insofar as the date of birth declared therein, the same being one issued by a public authority and has its own sanctity under Section 35 of the Evidence Act 1872.

4. In such circumstance, the petitioner's claim for correction of date of birth cannot at all be countenanced. However, with respect to the correction in the name of the petitioner, the petitioner only seeks correction in the spelling from Negimudeen to Negimudheen on the basis of the

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documents produced herein. There would be no difficulty for the Passport Issuing Authority (PIA) in allowing such request. In such circumstance, the petitioner's father's name shall stand corrected. The PIA shall do the needful within a period of two weeks from the date of production of the certified copy of this judgment.

The writ petition would stand partly allowed.

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

SB

// true copy //

P.A to Judge.