

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 15800 of 2015 (Y)

PETITIONER:

**FEBA MATHEW, D/O.MATHEW,
AGED 28 YEARS, RESIDING AT ROSE APARTMENT,
FLAT NO.301, SHENOY ROAD, KALOOR,
ERNAKULAM, KOCHI-17.**

**BY ADVS.SMT.K.S.SANTHI,
SMT.LATHA SUSAN CHERIAN.**

RESPONDENTS:

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI-110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, KOCHI.**

BY ADV. SRI.N.NAGARESH, ASST. SOLICITOR GENERAL OF INDIA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE PASSPORT NO.A0656557 FROM TRIVANDRUM
PASSPORT OFFICE DATED 29.05.1996.
- EXT.P2 TRUE COPY OF THE FACE SHEET OF THE PASSPORT OF
PETITIONER'S MOTHER DATED 10/11/1988.
- EXT.P3 TRUE COPY OF THE DELETION CERTIFICATE DATED 02.04.1996
ISSUED BY THE PASSPORT OFFICER TRIVANDRUM.
- EXT.P4 TRUE COPY OF THE ONLINE APPLICATION RECEIPT ISSUED TO
THE PETITIONER BY THE 2ND RESPONDENT.
- EXT.P5 TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER
ISSUED BY MINISTRY OF PUBLIC HEALTH,STATE OF KUWAIT.
- EXT.P5(a) TRUE COPY OF THE ENGLISH TRANSLATION OF THE BIRTH
CERTIFICATE OF THE PETITIONER.
- EXT.P6 TRUE COPY OF JUDGMENT IN WP(C).NO.6976/2013
DATED 13.03.2013.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J

W.P.(C).No.15800 of 2015-Y

Dated this the 22nd day of June, 2015

JUDGMENT

The petitioner is aggrieved by the fact that the petitioner's place of birth shown in the Passport is "Theodical, Kerala". Admittedly the petitioner's parents belong to Theodical, Kerala and they were in Kuwait for a long period. The petitioner was born in "Al Sharq, Kuwait", as was the petitioner's brother and sister. However, at the time of application for Passport, the place of birth was wrongly shown as "Theodical, Kerala".

2. The earlier Passport issued in her name expired and by Exhibit P4, she made a fresh application for Passport, correctly showing the place of birth as "Al Sharq, Kuwait". Along with the said application, she also produced the old Passport. The Passport Issuing Authority [for brevity "PIA"] refused to issue fresh Passport on the ground that there is difference in the place of birth of the petitioner as declared earlier and now.

3. The petitioner has produced her Birth Certificate issued by the Ministry Public Health, State of Kuwait, at Exhibit P5 and the translated copy at Exhibit P5(a). It is contended by the petitioner that the same issue arose in the case of her sister also and this Court, by Exhibit P6, directed correction of place of birth in that case. It is also an admitted fact that the petitioner's name was shown, along with the name of her brother and sister, in the Passport issued to the mother of the petitioner, as is indicated at Exhibit P3.

4. When applying for a Passport for the petitioner, earlier, when she was a minor, inadvertently the native place of the father and mother were recorded in Exhibit P1. Exhibit P1, according to the petitioner, expired and therefore, she applied for a fresh Passport showing the correct place of birth.

5. In the above circumstance, the PIA shall verify the genuineness of the documents produced from the State of Kuwait and also look at the mother's Passport and issue the Passport. The place of birth entered in the earlier Passport [Exhibit P1] was only by reason of a *bona fide* mistake. The petitioner shall appear before the PIA and produce the

documents produced herein and the matter shall be considered and disposed of within one month from the date of appearance of the petitioner. It is made clear that the original of Exhibit P5 will have to be produced before the PIA.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]