

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**WP(C).No. 16017 of 2015 (B)**  
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**PETITIONER(S) :**  
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**BINU THANKACHAN,  
S/O.P.THANKACHAN, PANAMKUNNIL PADINJATTETHIL HOUSE,  
KURUMPAKARA P.O., PATHANAPURAM.**

**BY ADVS.SRI.M.V.S.NAMBOOTHIRY  
SRI.R.VINU RAJ**

**RESPONDENT(S) :**  
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- 1. UNION OF INDIA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110 001.**
- 2. THE PASSPORT OFFICER,  
REGIONAL PASSPORT OFFICE, KAITHAMUKKU,  
THIRUVANANTHAPURAM-695 002.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**

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**EXHIBIT-P1: TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER.**

**EXHIBIT-P2: TRUE COPY OF THE RELEVANT PAGE OF THE PETITIONER'S PASSPORT.**

**EXHIBIT-P3: TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER.**

**EXHIBIT-P4: TRUE COPY OF THE DRIVING LICENCE OF THE PETITIONER.**

**EXHIBIT-P5: TRUE COPY OF THE AADHAR CARD OF THE PETITIONER.**

**EXHIBIT-P6: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER SHOWING HIS CORRECT NAME.**

**EXHIBIT-P7: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER SHOWING HIS CORRECT DATE OF BIRTH.**

**EXHIBIT-P8: TRUE COPY OF THE ONLINE APPOINTMENT RECEIPT ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 2ND RESPONDENT.**

**EXHIBIT-P9: TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, ENADIMANGALAM VILLAGE.**

**EXHIBIT-P10: TRUE COPY OF THE RELEVANT PAGE OF THE RATION CARD OF THE PETITIONER.**

**EXHIBIT-P11: TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE INDIAN PENTECOSTAL CHURCH OF GOD TO THE PETITIONER.**

**EXHIBIT-P12: TRUE COPY OF THE AADHAR CARD OF THE PETITIONER BEARING ENROLMENT NO.2003/13070/02880.**

**RESPONDENT(S)' ANNEXURES :**

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**ANNEXURE R2(A): TRUE COPY OF INDEX CARD.**

**//TRUE COPY//**

**PA.TO JUDGE.**

**K. VINOD CHANDRAN, J.**

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**W.P.(C) No.16017 of 2015 - B**

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**Dated this the 23<sup>rd</sup> day of July, 2015**

**J U D G M E N T**

The petitioner is aggrieved with the fact that the petitioner's application for correction of date of birth and name have not been considered. Admittedly, the petitioner's passport was issued initially in the year 1993. The petitioner had renewed the passport every 10 years after that. At no point in the past more than 20 years, the petitioner ever raised a claim as to the correction of the date of birth and name. The petitioner after 20 years has made the application for correction from 21.05.1970 to 28.05.1974. The petitioner bases his contention on Ext.P3 copy of the Marriage Certificate, Ext.P4 copy of the Driving Licence, Ext.P5 copy of the Aadhar Card, Exts.P6 and P7 copy of the affidavit, Ext.P9 certificate issued by the Village Officer, Ext.P10 copy for relevant page of the Ration Card, Ext.P11 Marriage Certificate and Ext.P12 Aadhar Card of the petitioner.

2. The petitioner now seeks correction of date of birth from 21.05.1970 to 28.05.1974 and his name from Minu Thankachan to Binu Thankachan. As to the various documents produced herein, those are all documents in which the petitioner has made a declaration by himself. None has any value under Section 35 of the Evidence Act, 1872.

3. This Court in **Jayakumar v. Regional Passport Officer [2015 (3) KLT 158]**, held that the correction of date of birth in passport, after many number of years would not be possible, especially finding that the passport discloses the identity of the citizen in his travels, residence and employment abroad and the date of birth declared thereon cannot be easily corrected for the asking.

4. As to the reliance placed on Exts.P3 to P7 and Exts.P9 to 12, it was held that the date of birth shown in the extract of the aforementioned certificates are also based on a declaration made by either the petitioner or his parents and there can be no reliance placed on that when the petitioner had

declared a different date of birth before the P.I.A. and had obtained a passport with a date, which had been acted upon by many others.

5. In such circumstance, no correction of date of birth can be made. The petitioner's prayer for correction of date of birth is rejected.

6. As to the claim for correction of name, the P.I.A asserts that in all probability the case would reveal an instance of impersonation. It is highly suspect that the petitioner who held the passport for more than 20 years did not notice the change in name. Hence the petitioner shall be put to strict proof and the PIA shall enquire into the same and change the name only if the same is found to be genuine.

The writ petition is dismissed with the above observations.

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

SB

// true copy //  
P.A to Judge.