

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 32821 of 2014 (C)

PETITIONER(S) :

**SUNIL T., AGED 33 YEARS,
S/O.THE LATE THANKAPPAN, SUNIL BHAVANAM,
VADAKKUMTHALA EAST P.O., KARUNAGAPPALLY, PIN - 690 536,
KOLLAM DISTRICT.**

BY ADV. SRI.C.S.MANU

RESPONDENT(S) :

**THE REGIONAL PASSPORT OFFICER,
SNSM BUILDING, KARALKADA JUNCTION, PETTAH P.O.,
THIRUVANANTHAPURAM - 695 024.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE INDIAN PASSPORT BEARING NO. A 5117807
DATED 26/03/1998 ISSUED TO THE PETITIONER.**

**EXHIBIT P2: TRUE COPY OF THE EMERGENCY CERTIFICATE SEIZURE MEMO
DATED 03/03/2010 ISSUED BY THE PORT REGISTRATION OFFICER,
THIRUVANANTHAPURAM AIR PORT TO THE PETITIONER.**

**EXHIBIT P3: TRUE COPY OF THE ONLINE APPLICATION BEARING APPLICATION
REFERENCE NUMBER 14-1007653339 DATED 10/09/2014 ISSUED
BY THE PASSPORT SEVA KENDRA, KOLLAM TO THE PETITIONER.**

**EXHIBIT P4: TRUE COPY OF THE 1ST PAGE OF THE SSLC BOOK OF
THE PETITIONER.**

EXHIBIT P5: TRUE COPY OF THE ADHAR CARD OF THE PETITIONER.

EXHIBIT P6: TRUE COPY OF ELECTORAL IDENTITY CARD OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS

**EXHIBIT R1(A): TRUE COPY OF SELF ATTESTED COPY OF SSLC BOOK
PRODUCED BY THE PETITIONER ALONG WITH HIS
APPLICATION BEFORE THE RESPONDENT.**

//TRUE COPY//

P.A.TO JUDGE

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 32821 of 2014 (C)

Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the non consideration of an application for issuance of fresh passport. The petitioner in the writ petition contended that the petitioner had applied for a passport, way back in the year 1998, and went abroad and the said passport expired in 2008. The petitioner did not seek for renewal, since he had, by that time, returned to India. The petitioner then made an application for a fresh passport by Ext.P3 dated 9.10.2014. However, the same was not considered on the ground that the date of birth differs in the passport earlier issued in the name of the petitioner. The petitioner submits, on the basis of Ext.P4 School Leaving Certificate, that his actual date of birth is 30.5.1981 and it is that date of birth he had declared in Ext.P3 also. The petitioner's claim is that there is no ground for non consideration of his application.

2. A counter affidavit has been filed by the Passport Officer wherein the S.S.L.C. Certificate, produced by the petitioner at the time of issuance of the earlier passport, is produced. The said passport showed the date of birth as 30.5.1977. The same was submitted before the Passport Issuing Authority with attestation by the petitioner himself. A comparison of both the documents produced at Ext.P4 and ExtR1(a) indicates that the certificate was tampered with on three counts, being date of birth, the year of issuance and also the date indicated by the signatory. Obviously, if the petitioner's year of birth was 1981, then at the time of issuance of the earlier passport the petitioner would not have been a major. The learned Assistant Solicitor General would submit that the Department would initiate prosecution as provided under the Act.

In the circumstance coming to the fore in the above writ petition, this Court is not inclined to exercise the discretionary power under Article 226 of the Constitution of India. The Department is entitled to initiate prosecution. The writ petition hence would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE