

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 34279 of 2014 (H)

PETITIONER :

**LINTO KURIAN MATHEW, AGED 26 YEARS,
S/O. MATHEWKURIAN, RESIDING AT KURINJIKATTU HOUSE,
MULANTHURUTHY P.O., ERNAKULAM - 682 314.**

**BY ADVS.SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.N.K.SUBRAMANIAN
SRI.K.JOSE KURIAKOSE**

RESPONDENTS :

- 1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
KASTURBA GANDI MARG, NEW DELHI - 110 011.**
- 2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR,
COCHIN - 682 036.**
- 3. EMBASSY OF INDIA.
REPRESENTED BY ITS CONSULAR, MUSCAT
SULTANATE OF OMAN.**

R1 TO R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE PAGES OF THE PETITIONER'S PASSPORT
BEARING NO. G. 7964064.**

**EXHIBIT-P2: TRUE COPY OF THE PETITIONER'S BIRTH CERTIFICATE, WHICH IS IN
ARABIC ISSUED BY THE MINISTRY OF HEALTH, SULTANATE OF OMAN.**

EXHIBIT-P2(a):TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT-P2

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 34279 of 2014

Dated this the 15th day of January, 2015

J U D G M E N T

The refusal on the part of the respondents, particularly, the 2nd respondent, to effect necessary correction in the Passport belonging to the petitioner showing the place of birth as 'Muscat', instead of 'Mulanthuruthy', made the petitioner to approach this Court by filing this writ petition.

2. The sequence of events narrated by the petitioner shows that the petitioner was actually born in 'Muscat'. The factual position is sought to be established with reference to Ext.P2 'Birth Certificate' issued by the concerned authority of the Ministry of Health, Sultanate of Oman. When the Passport was applied for and obtained, the parents of the petitioner were residing in their native place at 'Mulanthuruthy' and this in turn came to be shown in the application preferred for obtaining the Passport. This accordingly was shown in Ext.P1 Passport bearing No.G7964064. After getting all necessary documents, the petitioner sought to effect correction and has approached the 2nd respondent. But the request has been turned down, which in turn

is under challenge.

3. A statement has been filed on behalf of the respondents seeking to sustain the course of action pursued by them. It is also pointed out with reference to the contents of the Passport Manual, 2010 that the petitioner is liable to pay fine in view of the wrong information given, thus attracting Section 12(b) of the Passports Act, 1967.

4. Heard both the sides. The learned Standing Counsel submits that, if the petitioner satisfies the fine in respect of the offence made out, and if an application is submitted before the 2nd respondent along with the relevant documents and also an affidavit as to the circumstances under which the place of Birth was shown as 'Mulanthuruthi', the same will be considered and appropriate orders will be passed after conducting necessary enquiry.

5. In the said circumstances, this writ petition is disposed of, directing the 2nd respondent to consider the application, if any submitted by the petitioner along with the relevant documents as aforesaid, in accordance with law, as expeditiously as possible, at any rate, within a period of 'three' months from the date of

receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn