

**Dany Pullukkara Raphel Vs. Consulate General of India**

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**SooperKanoon Citation :** [sooperkanoon.com/1130950](http://sooperkanoon.com/1130950)

**Court :** Kerala

**Decided On :** Feb-20-2014

**Judge :** Honourable Mr.Justice P.R.Ramachandra Menon

**Appellant :** Dany Pullukkara Raphel

**Respondent :** Consulate General of India

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON THURSDAY, THE 20<sup>H</sup> DAY OF FEBRUARY 2014 1<sup>ST</sup> PHALGUNA, 1935 WP(C).No. 3347 of 2014 (P) ----- PETITIONER: ----- DANY PULLUKKARA RAPHEL, PULLUKKARA HOUSE, K.K.ROAD, CHALAKUDY, THRISSUR, KERALA, REPRESENTED BY FATHER CUM - POWER OF ATTORNEY HOLDER P.V.RAPPAI, PULLUKKARA HOUSE, K.K.ROAD, CHALAKKUDY. BY ADVS.SRI.SHEEJO CHACKO, SRI.SANGEETH C. SUBRAMANIAN, SRI.P.JINISH PAUL. RESPONDENTS: ----- 1. CONSULATE GENERAL OF INDIA, CHICAGO, U.S.A, 455 N., CITY FRONT PLAZA DR CHICAGO, IL-60611.

2. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110 001.

3. REGIONAL PASSPORT OFFICER, PANAMPILLY NAGAR, COCHI-682 036. BY SRI.P.PARAMESWARAN NAIR,A.S.G OF INDIA. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2002-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Prv. W.P.(C).NO.3347/2014-P: APPENDIX PETITIONER'S EXHIBITS: EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT ISSUED TO THE PETITIONER FROM THE OFFICE OF THE3D RESPONDENT. EXT.P2: TRUE COPY OF THE POWER OF ATTORNEY DEED ATTESTED BY CONSULATE GENERAL OF INDIA, CHICAGO (USA). EXT.P3: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY FRANKFURT MUNICIPALITY. EXTP4: TRUE COPY OF THE APPLICATION DATED91-2014. EXT.P5: TRUE COPY OF THE PROFORMA FOR VERIFICATION OF NATIONALITY STATUS/ ANTECEDENTS OF THE PETITIONER. EXT.P6: TRUE COPY OF THE

#### JUDGMENT

DATED145-2013 IN W.P.(C).12292/2013. RESPONDENTS' ANNEXURE: ANNEXURE R1(A): TRUE COPY OF THE FAX MESSAGE DATED1202/2014. //TRUE COPY// P.A. TO JUDGE. Prv. P.R. RAMACHANDRA MENON, J.

----- W.P.(C)No.3347 of 2014 -----

---- Dated this the 20th day of February, 2014

#### **JUDGMENT**

The petitioner has approached this Court seeking for correction of place of birth in the passport bearing No. F7270066. The case of the petitioner is that her actual place of birth is 'Frankfurt am Main', Germany, but the same is wrongly entered as 'Kottanelloor, Kerala' in Ext.P1 passport. On coming to know about the mistake, the petitioner had filed Ext.P4 application seeking to effect necessary corrections. In support of the case projected by the petitioner, Ext.P3 Birth Certificate is also produced. Since Ext.P4 application was not acted upon by the first respondent, insisting to produce the order of competent Civil Court to correct the place of birth, the petitioner is now before this Court for getting appropriate relief.

2. Heard the learned Assistant Solicitor General of India as well. W.P.(C)No.3347 of 2014 -2- 3. The learned counsel for the petitioner relies upon the Circular No.VI/401/2/5/2001 dated 18.04.2001 issued by the Ministry of External Affairs. The relevant clause is extracted below: "a) Where an applicant is seeking clarification/correction of a mistake in the entry on the date of birth/place of birth in the passport, PIA may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases." Going by the above clause, it is very much obvious that the Birth Certificate issued by the competent authority is sufficient and that the petitioner is entitled to succeed. Whether Ext.P3 extract of Birth Certificate is correct or not, is a matter to be ascertained by the 1st respondent and the further course of action will be subject to the outcome of such verification.

4. In such circumstances, the 1st respondent is directed to re-consider Ext.P4 application preferred by the petitioner and pass appropriate orders after ascertaining the correctness/genuineness of Ext.P3 extract of the Birth Certificate W.P.(C)No.3347 of 2014 -3- and finalise the proceedings in accordance with law. It shall be done at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. The writ petition is disposed of as above. P.R. RAMACHANDRA MENON, JUDGE shg/

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