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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 19TH DAY OF JANUARY 2026 / 29TH POUSHA, 1947

WP(C) NO. 1781 OF 2026

PETITIONER:

SOHAN V.M., AGED 19 YEARS
S/O AJOY V.M, VILLUNI MALAYIL,
NADUVANNUR, KOYILANDY,
KOZHIKODE DISTRICT, PIN - 673 614.

BY ADVS.SRI.ADITHYA RAJEEV
SMT.S.PARVATHI

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 2 THE TAHSILDAR
KOYILANDY TALUK, TALUK OFFICE,
MINI CIVIL STATION COMPLEX,
KOYILANDY,
KOZHIKODE DISTRICT, PIN - 673 305.
- 3 THE VILLAGE OFFICER
NADUVANNUR VILLAGE,
VILLAGE OFFICE, NADUVANNUR,
KOZHIKODE, PIN - 673 614.

SR.GP-SMT.AMMINIKUTTY.K

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19.01.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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“C.R.”**BECHU KURIAN THOMAS, J.****W.P.(C) No.1781 of 2026****Dated this the 19th day of January, 2026****JUDGMENT**

Petitioner challenges the rejection of his application for issuance of a Domicile Certificate stating that the applicant and his parents were born and brought up in Kolkata. In view of the above rejection, the question that arises for consideration is whether the refusal to issue a Domicile Certificate to a person born outside Kerala is legally justifiable.

2. Petitioner was born on 18.08.2006 at Kolkata. His paternal grandfather belonged to Kozhikode District in Kerala, while his parents were both born and brought up in Kolkata, West Bengal. Petitioner claims that, after his birth, his parents shifted to Kozhikode in the year 2007 and permanently settled in their ancestral house at Naduvannur Village in Kozhikode District. Petitioner has pleaded that he commenced his schooling in the first standard at Little Flower Public School, Naduvannur, Kozhikode, and continued his studies from the second standard to the seventh standard at Vakayad A.U.P. School, Avitanallur, Kozhikode District, and thereafter, completed his tenth standard from Vakayad Higher Secondary School, Naduvannur, Kozhikode. Petitioner also claimed that he pursued his higher secondary course also at Avittanallur



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Government Higher Secondary School, Kozhikode.

3. In support of the above contentions, petitioner has produced his Secondary School Leaving Certificate as well as his Higher Secondary School Leaving Certificate as Ext.P3 and Ext.P4 respectively. Further, petitioner's father is stated to have died in Kerala on 04.10.2022, as evident from Ext.P5 death certificate issued by the Kozhikode Corporation. Petitioner claims that he was issued with an Aadhar Card in the year 2013 where his permanent residence is shown as Kozhikode. Thus, petitioner asserted that though he was born in Kolkata, soon thereafter he had shifted his residence to Kerala and has been permanently residing in Kozhikode with his schooling done entirely in the State of Kerala. According to him, his domicile is in Kerala and he needs a certificate of domicile urgently, as he has applied to the post of Agniveer (General Category) in the Indian Army and a Domicile Certificate is essential to process his application. Despite all factors favouring him, his application for the Domicile Certificate was rejected by Ext.P8 stating that he was born in Kolkata and was even brought up there.
4. The learned Government Pleader, upon instructions, submitted that the Village Officer had, after conducting the enquiry, recommended the issuance of Domicile Certificate to the petitioner. It was also submitted that the enquiry revealed that the petitioner though born in Kolkata, had completed his studies in Kerala and that the address in the Aadhaar Card as well his residence are both in Naduvannur, Kozhikode District, Kerala. The learned Government Pleader, however, submitted that as per the



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Kerala Land Revenue Manual, the Domicile Certificate can be issued only if the applicant was born and brought up in Kerala and hence the Tahsildar rejected the application.

5. Considering the urgency pleaded by the petitioner that he has been given time to produce the Domicile Certificate till 23.01.2026, I heard Smt. S. Parvathy, the learned counsel for the petitioner as well as Smt. Amminikutty K., the learned Senior Government Pleader. Having regard to the urgency pleaded and as it involves the career of a youngster, all parties were at ad idem that the writ petition can be disposed of.
6. At the outset itself, it needs to be mentioned that in Exhibit P8, it is stated that the petitioner was not only born, but even brought up in Kolkata. The latter finding is factually incorrect. The documents produced as Exhibit P3 and Exhibit P4 reveal that the petitioner did his schooling in its entirety in Kerala. He has even obtained an Aadhar Card produced as Exhibit P1, showing his address as Naduvannur, Kozhikode in Kerala. Petitioner's mother possesses Exhibit P2 ration card issued by the Food & Civil Supplies Department of Kerala and her address is also shown as Naduvannur in Kerala. The death certificate of petitioner's father also mentions the permanent address as Naduvannur, Kerala. No materials are available to indicate that the petitioner was brought up outside Kerala. The Village Officer's report, a copy of which was handed over across the Bar by the learned Government Pleader, mentioned that petitioner though born in Kolkata, completed his studies in Kerala. Having



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regard to the various documents produced and in view of the report of the Village Officer, which corresponds to the documents produced by the petitioner, it can safely be concluded that petitioner was brought up in Kerala, though born in Kolkata.

7. Despite the above finding, the question remains as to whether a person born outside Kerala can be issued with a certificate of domicile from Kerala. There is no legal provision that governs the issuance of a Domicile Certificate. However, guidance can be obtained from the Kerala Land Revenue Manual, (for brevity 'the Manual') Volume VI Clause 226 and 227. The aforesaid Manual is not a statute or a legal document, but is only a set of guidelines that can guide the Officers in the discharge of their multifarious duties. It is elementary that the guidelines cannot contradict the law.
8. Be that as it may, as per clause 227 of the Manual , the Domicile Certificate is stated to be a document similar to a Nativity Certificate and can be issued to a person who was born and resides permanently in Kerala. Petitioner was not born in Kerala but was entirely brought up in Kerala. Reference to clause 226 of the Manual which deals with the 'Nativity Certificate', is also relevant because clause 227 of the Manual, it is mentioned that a Domicile Certificate is similar to a Nativity Certificate. Clause 226 of the Manual states that a Nativity Certificate can be issued not only to persons born in Kerala but also to persons born outside Kerala, on satisfying either of the two following conditions; which are, (i) both parents were born in Kerala or (ii) at least one of the parent was



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born and brought up in Kerala while the other was born and brought up in another State in India, and after marriage, both of them settled permanently in Kerala.

9. In the instant case, both the parents of the petitioner were born in Kolkata, and even by the provisions of clause 226(ii) of the Manual, petitioner cannot draw a parallel. However, in the decision in **Vincy Dinakaran v. State of Kerala** 2021 (4) KLT 752 this Court, while dealing with Clause 226(ii) of the Manual regarding the Nativity Certificate, observed that in the matter of ascertaining the question as to whether a person belongs to the State of Kerala, what is relevant is the social belongingness of the person. The following observations are relevant :-

“.....As far as persons who are born in the State and whose ancestors belong to the State are concerned, there may not be any difficulty in ascertaining their social belongingness. But, as far as persons whose ancestors do not belong to the State and who are not born in the State are concerned, according to me, social belongingness is to be ascertained by considering the question whether he/she has been socially adapted to the prevailing system of norms and values in the State. If a person is socially adapted to the prevailing system of norms and values in the State, I am of the view that he/she shall be considered as a person belonging to the State. I take this view also for the reason that one cannot be treated as belonging to a place when he is not socially adapted to the society in that place, merely for the reason that he or his parents are born in that place. I am fortified in this view by the decision of the High Court of Madras in *M.Goutham v. Secretary/Addl. DME Selection*



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Committee, Directorate of Medical Education and Others (2018 SCC Online Madras 5429). In that case, the question considered was whether a person who is born in the State of Tamil Nadu, but brought up and educated in the State of Kerala, can be treated as a native of the State of Tamil Nadu. It was held in that case that the Nativity Certificate, at no stretch of imagination, can be based on the place of birth, and the criterion for issuing Nativity Certificate shall be the place where the person concerned has been brought up and educated.”

10. The issue in question in the instant case is slightly different as what was sought is not a Nativity Certificate but a Domicile Certificate. Of course, the Manual states that both are similar. Are they? If they are similar there is no difficulty, as the decision in **Vincy Dinakaran's** case (supra) can be followed. However, it needs to be mentioned that the concept of domicile has a different connotation, legally.
11. Domicile, under law, consists of two elements ie., domicile of origin and domicile of choice. Domicile of origin is always fixed to the place where a person was born, while domicile of choice can shift depending on where he chooses his permanent place of residence. Generally, domicile under law is fixed to a country and not to any region inside a country like a State. The domicile of a person does not undergo a change merely because he shifts his residence inside the same country.
12. The concept of domicile is basically a legal concept indicating a permanent home. Law contemplates two main classes of domicile : domicile of origin that is communicated by operation of law to each person at birth and domicile of choice which every person of full age is



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free to acquire in substitution for that which he presently possesses. The domicile of origin attaches to an individual by birth while the domicile of choice is acquired by residence in a territory, with the intention to reside there permanently or indefinitely. The area of domicile, whether it be domicile of origin or domicile of choice, is the country which has the distinctive legal system and not merely the particular place in the country where the individual resides. Reference to the decision in ***D.P Joshi v. State of Madhya Pradesh and Another*** [AIR 1955 SC 334] and ***Dr. Pradeep Jain and Others v. Union of India and Others*** [(1984) 3 SCC 654] are relevant in this context.

13. In ***Dr. Pradeep Jain's*** case (supra), the legal position was enunciated with clarity that law contemplates only a domicile of a country and not domicile in relation to a State. The following observations are required to be extracted to explain the legal position:

"Now it is clear on a reading of the Constitution that it recognises only one domicile, namely, domicile in India. Article 5 of the Constitution is clear and explicit on this point and it refers only to one domicile, namely, "domicile in the territory of India." Moreover, it must be remembered that India is not a federal state in the traditional sense of that term. It is not a compact of sovereign states which have come together to form a federation by ceding a part of their sovereignty to the federal state. It has undoubtedly certain federal features but it is still not a federal state and it has only one citizenship, namely, the citizenship of India. It has also one single unified legal system which extends throughout the country. It is not possible to say that a



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distinct and separate system of law prevails in each State forming part of the Union of India..... The concept of “domicile” has no relevance to the applicability of municipal laws, whether made by the Union of India or by the States. It would not, therefore, in our opinion be right to say that a citizen of India is domiciled in one State or another forming part of the Union of India. The domicile which he has is only one domicile, namely, domicile in the territory of India. When a person who is permanently resident in one State goes to another State with intention to reside there permanently or indefinitely, his domicile does not undergo any change : he does not acquire a new domicile of choice. His domicile remains the same, namely, Indian domicile. We think it highly detrimental to the concept of unity and integrity of India to think in terms of State domicile. It is true and there we agree with the argument advanced on behalf of the State Governments, that the word “domicile” in the rules of some of the State Governments prescribing domiciliary requirement for admission to medical colleges situate within their territories, is used not in its technical legal sense but in a popular sense as meaning residence and is intended to convey the idea of intention to reside permanently or indefinitely.....” (emphasis supplied)

14. The above observations have significance in the instant case as the recruitment Rules relating to the Army, it was submitted, require a domicile certificate to be produced from a State. The purpose of the said requirement is obviously to identify where the candidate has been a permanent resident. Hence it has to be deduced that the reference to the term ‘Domicile Certificate’ is actually used in the sense as meaning a certificate relating to the permanent ‘residence’ and is intended to



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convey the idea of 'intention to reside permanently or indefinitely'. It has to be therefore declared that, when issuance of a Domicile Certificate is required for an Indian citizen based on the requirement of his residence inside the country, the certificate ought to be issued based on his permanent residence and 'intention to reside permanently or indefinitely'. The social belongingness of a person assumes relevance in this context as that is one of the main factors indicating the permanent residence or the intention to reside indefinitely.

15. In view of the above discussion, the ratio laid down in ***Vincy Dinakaran's*** case (supra) regarding social belongingness assumes relevance. Since the petitioner had done his entire schooling in Kerala, from first standard till he completed his higher secondary schooling and his father died in Kerala and his mother continues to reside in Kerala and as his Aadhar Card and Ration Card indicating his permanent residence in Kerala, there is no doubt that petitioner had wholly adapted to the State of Kerala. Even his paternal grandfather was born in Kerala with his permanent residence also located in Kerala. There is nothing to indicate that the petitioner has any intention to reside in Kolkata other than having been born in West Bengal. All these circumstances indicate that petitioner maintains his permanent residence at Naduvannur in Kozhikode and therefore, he must be regarded as a person belonging to the State of Kerala. In such circumstances, denying the certificate sought for by the petitioner would be absolute injustice.

In the result, Exhibit P8, to the extent it denies the Domicile



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Certificate to the petitioner, who had submitted his application bearing No.106933161, is set aside. Considering the urgency of the matter, the second respondent is directed to issue the Domicile Certificate as sought for by the petitioner forthwith, at any rate, within an outer period of two days from the date of receipt of a copy of this judgment. Petitioner shall produce the copy of this judgment for due compliance by the respondents.

sd/-
BECHU KURIAN THOMAS
JUDGE

AMV/19/01/2026



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APPENDIX OF WP(C) NO. 1781 OF 2026**PETITIONER EXHIBITS**

- EXHIBIT-P1** A TRUE COPY OF THE AADHAAR OF THE PETITIONER BEARING NO.683577396882.
- EXHIBIT-P2** A TRUE COPY OF THE RATION CARD ISSUED TO THE PETITIONER'S MOTHER BY THE FOOD AND CIVIL SUPPLIES DEPARTMENT OF THE 1ST RESPONDENT ON 01-09-2021.
- EXHIBIT-P3** A TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE ISSUED BY THE GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA ISSUED IN THE NAME OF THE PETITIONER.
- EXHIBIT-P4** A TRUE COPY OF THE CERTIFICATE OF HIGHER SECONDARY EXAMINATION ISSUED BY THE BOARD OF HIGHER SECONDARY EDUCATION, GOVERNMENT OF KERALA, ISSUED IN THE NAME OF THE PETITIONER.
- EXHIBIT-P5** A TRUE COPY OF THE DEATH CERTIFICATE ISSUED IN THE NAME OF THE PETITIONER'S FATHER ISSUED ON 15-10-2022 BY THE REGISTRAR OF BIRTH AND DEATHS, KOZHIKODE CORPORATION.
- EXHIBIT-P6** A TRUE COPY OF THE ADMIT CARD FOR RECRUITMENT RALLY TO JOIN THE INDIAN ARMY ISSUED IN THE NAME OF THE PETITIONER.
- EXHIBIT-P7** A TRUE COPY OF THE SCREENSHOT OF THE REGISTRATION DETAILS OF THE PETITIONER IN THE OFFICIAL KERALA E-DISTRICT PORTAL.
- EXHIBIT-P8** A TRUE COPY OF THE SCREENSHOT SHOWING THE REJECTION OF THE PETITIONER'S APPLICATION AS UPDATED IN THE OFFICIAL KERALA E-DISTRICT PORTAL.
- EXHIBIT-P9** A TRUE COPY OF THE RELEVANT PAGES OF THE KERALA LAND REVENUE MANUAL, VOL. VI ISSUED BY THE LAND REVENUE DEPARTMENT OF THE 1ST RESPONDENT