



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.317/2026**

ANDREW STEPHEN DUARTE
OLIVEIRA, Aged about 61 years, R.o
H.No.46/2, Firgulem, Opp. Mallaya
Enterprises, Aquem Baixo, Navelim, South
Goa, 403707. ... PETITIONER

Versus

1. REGIONAL PASSPORT OFFICER
Regional Passport Office Goa Passport Bhavan
EDC complex Patto, Panjim, Goa.

2. MINISTRY OF EXTERNAL AFFAIRS
Original Passport Office Panaji, Goa.

3. UNION OF INDIA Represented by
Secretary Ministry of external Affairs PSP
division Patiala House Annex Tilak Marg,
New Delhi 110001. ... RESPONDENTS

Mr C. A. Coutinho, Senior Advocate with Mr Ivan Santimano,
Advocate for the Petitioner.

Mr Somnath Karpe, CGSC with Ms S. Vaigankar, Advocate for the
Respondents.

CORAM: VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

DATED: 19th AUGUST 2026

ORAL JUDGMENT: (Per Valmiki Menezes, J.)

1. The Petitioner has impugned an order dated 07.05.2025
passed by the Regional Passport Officer, Panaji refusing to grant

the Petitioner an Indian Passport and rejecting his application under Section 6(2)(a) of the Passport Act, 1967.

2. The Petition has been opposed by Mr Somnath karpe appearing for the Respondents, supporting the impugned order, mainly on the ground that the Petitioner has not produced any proof of the fact that either of his parents were born in Goa, and in fact the material produced before the Passport Officer suggests that the Petitioner having been born in Uganda, was not entitled to hold an Indian Passport as his Indian Citizenship has not been proved.

3. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned counsel for the Parties

4. We have gone through the Petition and considered the material that was placed before the Passport Officer. In addition, whilst hearing this Petition, additional documents were produced before us by the Petitioner. Amongst these documents, the Petitioner has produced an extract from the Marriage Register “*Registo de Casamento Canonico*”, which is issued by the Civil Registrar cum Sub-Registrar, Salcete, Margao, Goa, in which the marriage of the Petitioner’s parents was registered. In this document, the Petitioner’s paternal grand parents are recorded as being the natives of Quela (Kavlem), in Ponda Taluka, Goa. The Petitioner’s father was aged 25 and mother was aged 21 on the date of registration of the marriage at Margao and they were both born in the State of Goa, obviously prior to 19.12.1961, which is the date when Goa was annexed into the Indian Union. In

addition, the Petitioner, has produced his birth certificate issued by the Registrar General of Births and Deaths, Tororo Municipality in Uganda, where the Petitioner was born on 03.05.1964. The Birth Certificate records the Petitioner's full name and the names of his parents, the father is stated to be "Portuguese" and mother is stated to be "Indian". Obviously from this document, considering that the parents were residents of Uganda as on the date of Goa's liberation, the father was considered Portuguese, though the Marriage Certificate clearly records that Petitioner's grandfather was a native of Quela (Kavlem), in Ponda Taluka, Goa and Petitioner's father was born in Uganda but was a resident of Parish of Taligao in Goa as on 22.04.1956 which is prior to the liberation.

5. Also produced on record is a correspondence between the Indian High Commission at Kampala, Uganda and the Ministry of Foreign Affairs of Uganda which records and confirms the birth registration of the Petitioner who was born in Tororo, Uganda on 03.05.1964. This document authenticates the Petitioner's birth certificate, and considering that Uganda is not a Hague Convention, the only manner in which the documents could be authenticated is by the Government of that country authenticating it. The Birth Certificate has therefore to be considered as an authentic document.

6. Under the Goa, Daman and Diu (Citizenship) Order, 1962 issued on 28.03.1962 by the Government of India, every person who or either whose parents or any of whose grand parents was born before 20th day of December 1961 in the territory of Goa

now comprised in the Union Territory of Goa, Daman and Diu shall be deemed to have become the citizen of India on that day. Considering the mandate of Citizenship Order, the Petitioner's mother was born in Goa and so were both his grand parents as recorded in the Marriage Certificate of the Petitioner's parents. The Petitioner was born in Tororo, Uganda, but to grand parents and a mother who were born in India. Obviously therefore, Petitioner's citizenship is from India and no other nation.

7. It is brought to our notice that the Marriage Certificate of the Petitioner's parents was not produced before the Passport Officer at the relevant time and the Passport Officer has passed his order in the absence of absolute proof of the Petitioner's citizenship. Considering these circumstances, we quash and set aside the impugned order dated 07.05.2025 of the Passport Officer and direct that the Petitioner shall make a fresh application with all these documents within a period of one week from today after which the Passport Officer shall consider the documents and pass orders under Section 5 of the Passport Act, within a period of three weeks therefrom, without being influenced by any previous orders that may have been passed and after considering the specific observations made by us on the question of citizenship in this Order.

8. The Petition stands disposed of. Rule is made absolute in the above terms.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.