

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.14485 of 2015 (O&M)
Date of Decision: 20.10.2015**

Ankush Sharma

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Dr. Govinder Singh Brar, Advocate
for the petitioner.

Mr. V.K. Kaushal, Advocate
for the respondents.

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HARINDER SINGH SIDHU, J.

The petitioner applied for a passport and submitted all relevant documents regarding his date of birth, place of birth, parentage, marital status and residence proof etc. He was issued a passport on 07.05.2015, which is stated to be valid upto 06.05.2025. In the said passport, his place of birth has been mentioned as Haridwar (Uttarakhand), though as per the birth certificate of the petitioner as issued by the Registrar, Births and Deaths, Hoshiarpur vide registration No.4285 dated 21.09.1995, his place of birth is shown as Hoshiarpur (Punjab).

Immediately on receiving the passport, the petitioner approached respondent No.2 with an application for correction of the

place of birth as mentioned in his passport and also filled necessary correction slip for the said purpose. When the respondents did not take any action on his application, he filed the present writ petition.

In the written statement filed on behalf of respondent No.2, it has been stated that the petitioner had initially obtained a passport on 11.04.2000, wherein his place of birth was mentioned as Haridwar (U.P.). Even in the passport dated 25.01.2005 issued in lieu of his earlier passport, his place of birth is mentioned as Haridwar. The same is the position in respect of passport issued on 16.02.2010 and 28.02.2014. It is stated that the place of birth mentioned in the passport was the same as stated by him in his application form. It is further stated that as per the Passport Manual, if change of place of birth is within the district or adjoining district, the Passport Authority should not contest, however, if the change of place of birth is sought from one State to another or from India to abroad then the case should be contested and a civil court order should be insisted upon to determine the correct place of birth.

Heard learned counsel for the parties and perused the records.

For making the correction in the place of birth, the petitioner is placing reliance on the birth certificate issued by the Local Registrar, Births and Deaths, Hoshiarpur. A Division Bench of this Court in **Resham Singh v. Union of India and another, 2008**

(1) RCR (Civil) 131, has held that a Passport Officer is empowered

to alter, amend, vary or make entries and endorsements in a passport as per Section 21 of the General Clauses Act which empowers an authority to add, amend, vary or rescind an order earlier issued by it. It was further held therein that a register of Births and Deaths is a public record of Births and Deaths that occur within the area assigned to a Registrar. The Register being a public record, presumption of truth attaches thereto and consequently to the birth certificate reflecting an extract from the Births and Deaths register. It was held that when an application is filed before a Passport Authority supported by an entry in the birth certificate issued by the Registrar, Births and Deaths that is to be accepted except where the certificate is found to be unreliable, suspicious or appears to be procured or manipulated. Only in that event, the parties may be relegated to a Civil Court.

Accordingly, this writ petition is allowed. Respondent No.2 is directed to consider the application of the petitioner for correction of the place of birth in the passport, in accordance with law, within a period of four weeks from the date of receipt of a certified copy of this order.

20.10.2015

Atul

**(HARINDER SINGH SIDHU)
JUDGE**