

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

DATE OF DECISION: MAY 06, 2015

Parmjit Singh

.....Petitioner

VERSUS

Union of India and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Padam Kant Dwivedi, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Counsel for the petitioner contends that the petitioner, who was earlier issued Indian Passport No.E2289634 on 07.11.2002 with the date of birth entered therein as '06.09.1984', place of birth 'Tarn Taran, Amritsar' and the spelling of the name of the petitioner being recorded as 'Pramjit Singh' whereas the date of birth should have been '06.10.1989', place of birth as 'Delhi' and spelling of the name should have been 'Parmjit Singh'. He contends that at the time of issuance of the passport, the petitioner was a minor and during the validity of the said passport, he has never used the same for any purpose. He has now moved an application for correction/renewal of his passport but the said request is not accepted due to non-matching of the particulars on submission of online application.

Petitioner, therefore, submitted a representation dated

08.01.2015 (Annexure P-4), which was addressed to the Superintendent, Passport Office, Jalandhar as also Superintendent, Passport Office, Amritsar. Counsel contends that since the petitioner at present is residing in District Amritsar, the competent authority to renew his passport would be the Regional Passport Officer, Amritsar-respondent No.2. He received a response dated 21.01.2015 (Annexure P-5) from the said authority. The petitioner was called to furnish an affidavit attested by the Executive Magistrate, explaining the circumstances in which he had submitted a school certificate with the date of birth as '06.09.1984' with the application form in the year 2002 and to come present with all the documents he had in support of his correct date of birth and place of birth. Petitioner approached the said respondent but no decision on his application till date has been taken. He has, however, been orally told that he will have to obtain a decree from the Court for changing spelling of his name, date of birth and place of birth.

Counsel contends that the powers conferred with respondent No.2, as per the provisions contained under Section 5(2) of the Passport Act, 1967 read with Section 21 of the General Clauses Act, leave no manner of doubt that the prayer made by the petitioner in his application for correction of the errors in the earlier passport issued to him can be correct and appropriate decision thereon taken by the competent authority i.e. respondent No.2. In support of his contention, he has placed reliance upon the judgement passed by the Division Bench of this Court in Resham Singh Vs. Union of India and another, 2008 (1) R.C.R. (Civil) 131, where, in similar circumstances, the writ petition was allowed, holding that the authorities under Section 5(2) of the Passport Act read with Section 21 of

the General Clauses Act has the power to alter/amend the entries with respect to birth/place of birth.

Counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Regional Passport Officer, Amritsar-respondent No.2 to consider and take a final decision on the legal notice dated 08.01.2015 (Annexure P-4) filed by the petitioner, within some specified time.

In view of the statement made by the counsel for the petitioner and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with directions to the Regional Passport Officer, Amritsar-respondent No.2 to consider and take a final decision on the legal notice dated 08.01.2015 (Annexure P-4) keeping in view the judgement of the Division Bench of this Court in Resham Singh's case (supra) within a period of six weeks from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioner forthwith.

May 06, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE