

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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W.P. No. 20465 of 2016

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DATE: 23.08.2016

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Between:

Bhangi Khafeel

.. Petitioner

And

The Union of India
and another

.. Respondents

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ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not correcting the Date of Birth of the petitioner as 04.01.1972 instead of 04.01.1970 in the Passport, as illegal, arbitrary and violative of principles of natural justice and contrary to the Circulars dated 18.04.2001 and 29.10.2007 issued by the Ministry of External Affairs, Government of India, and consequently direct the 2nd respondent to issue fresh passport to the petitioner with correct date of birth as 04.01.1972 by entertaining his online application dated 27.09.2015.”

After advancing some arguments, the learned counsel for the petitioner, on instructions, has sought permission of this Court to withdraw the writ petition.

Permission is accorded.

Before parting with the writ petition, it is pertinent to mention here that the petitioner seeks a direction to the 2nd respondent to entertain his online application dated 27.09.2015 for reissuing Passport bearing No.A2192601 by correcting the petitioner's date of birth as 04.01.1972 in place of 04.01.1970.

On the last occasion, this Court, by order dated, 09.08.2016, observed that the petitioner denied to file Provisional National Trade Certificate dated 09.09.1991 (Sic. 09.12.1991) wherein his date of birth is noted as 04.01.1970.

Hence, this Court directed the learned counsel for the petitioner to get instructions whether the Provisional National Trade Certificate mentioned above belongs to the petitioner or not.

Today, on instructions, the learned counsel for the petitioner has produced the original of Provisional National Trade Certificate belonging to the petitioner wherein his date of birth is recorded as 04.01.1972. Therefore, it is established that with ulterior motive, the petitioner filed forged document in the year 1991 and obtained passport in his favour.

In column No.16 of the application dated 12.09.1996 made by the petitioner, his declaration is that information furnished by him is true and he is solely responsible for its accuracy. The petitioner is aware that it is an offence punishable under the provisions of the Passports Act, 1967 if any false information is furnished or any material information is suppressed with a view to obtain passport or any other document. Thus, it is established that the petitioner had furnished wrong information to the Regional Passport Office and obtained the Passport.

In view of the above recorded facts, this Court, while dismissing the writ petition as having been withdrawn, directs the respondents to take action against the petitioner under the relevant provisions of the Passports Act, 1967 for furnishing false information. No order as to costs.

The Registry is directed to place on record photocopy of the Provisional National Trade Certificate of the petitioner and

return the original document to the learned counsel for the petitioner.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

23.08.2016

bcj