

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

CWP No. 12726 of 2015

Date of decision:28.03.2016

Mansi Sehjal

.....Petitioner

versus

Union of India and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Indresh Goel, Advocate
for respondents No. 1 and 2.

Mr. Suresh Singla, Addl.AG, Punjab
for respondent No. 3.

Rakesh Kumar Jain, J.(Oral)

The petitioner, a minor, was born to his biological parents, namely Resham Lal and Bhupinder Kaur on 21.10.2013. Her father Resham Lal expired on 25.04.2008. Thereafter, she has been adopted vide registered Adoption Deed dated 25.07.2014 by her real uncle Balvir Ram S/o Tarsem Lal and his wife Amarjit Kaur. The adoptive parents of the petitioner lives in Milan(Italy). The petitioner in order to immigrate to Italy applied for passport vide application dated 16.09.2014 in which the Regional Passport Authority, Jalandhar raised certain queries/objections.

The petitioner has filed the present petition in the nature of mandamus for declaring, for all intents and purposes, her parents as Balvir Ram and Amarjit Kaur, on the basis of registered

Adoption Deed dated 25.07.2014.

After notice, respondents have filed their respective replies. In paragraph No. 5 of the reply filed by respondent No. 2. the following averments have been made.

“That the contents of para no. 5 are wrong and denied. The case of the petitioner has not been finalized and as per the adoption deed, the adoptive father of the petitioner is having Overseas Citizenship of India(OCI), which needs to be confirmed as he has enunciated the nationality of India and hence NOC from the international agency CARA is required apart from the below mentioned other checks and formalities before the said case can be proceeded with further.

i) Copy of Passports(full pages) of both adoptive parents.

ii) Full details of children of adoptive parents with marriage certificate.

iii) Death certificate of natural father Resham Singh.

iv) Power of attorney in case both adoptive parents are abroad.

v) Actual relation between adoptive parents and adoptive minor(petitioner) i.e. first degree relation.

The petitioner has approached this Hon'ble Court in haste without her case being finalized and without submitting passport application with requisite information.”

Counsel for respondent No. 2 has submitted that the

passport has never been denied to the petitioner, rather the petitioner has been asked to complete certain formalities before its issuance to her but instead of completing those formalities the present writ petition has been filed.

Counsel for the petitioner has submitted that he would withdraw the writ petition and satisfy respondent No. 2, in regard to the queries/objections raised for the purpose of issuance of passport.

Dismissed as withdrawn.

In case, respondent No. 2 is satisfied with the material supplied by the petitioner as demanded and mentioned in paragraph No. 5 of the reply, referred above, the passport shall be issued to the petitioner, as early as possible, preferably within a period of one month.

28th March, 2016

Shivani Kaushik

[Rakesh Kumar Jain]
Judge