

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

**CWP No.14256 of 2014
Date of decision: 18.11.2016**

Sukhwant Kaur Brar

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Ms. Sheenu Sura, Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari/mandamus.

Notice of motion was issued and pursuant thereto, reply on behalf of the respondents has been filed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that earlier petitioner applied for passport, claiming her date of birth as 11.01.1953. Passport was issued in her favour. However, after the lapse of more than 25 years, petitioner again applied for issuance of a fresh passport claiming her date of birth as 11.01.1963, instead of 11.01.1953. In such a situation, this Court is prima facie of the view that until and unless the petitioner satisfies the respondent

authorities in this regard, particularly about the change in her date of birth, no fault can be found with the action on the part of respondent authorities.

However, instead of closing the chapter for all times to come, which may cause serious prejudice to rights of the petitioner, present writ petition is disposed of with liberty to the petitioner to approach the respondent authorities again, after complying with the relevant provisions of law to the satisfaction of the respondent authorities, establishing her eligibility and entitlement for issuance of fresh passport.

It is also directed that in case the petitioner approaches the competent authority i.e. respondent No.2 with the prayer aforementioned, he shall consider the grievance of the petitioner and decide the matter at an early date by passing an appropriate order, however, strictly in accordance with law but within a period of three months from the date of receipt of such request from the petitioner.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

18.11.2016
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No