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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10789/2015

NISHA KAMBOJ

..... Petitioner
Through Mr. Sameep Vijayvergiya with
Mr. Mrityunjay Kumar Singh,
Advocates

versus

REGIONAL PASSPORT OFFICER,
DELHI & ORS

..... Respondents
Through Ms. Monika Arora, CGSC for UOI.

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Date of Decision: 11th February, 2016

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed challenging the order dated 25th June, 2015 passed by respondent no. 2. In fact, petitioner primarily seeks correction of place of birth in her passport from Saharanpur, Uttar Pradesh to Gugloo, Yamuna Vihar, Haryana in accordance with the birth certificate issued by the Government of Haryana, Department of Health under The Registration of Births and Deaths Act, 1969 [for short “Act, 1969”].

2. Learned counsel for petitioner submits that the passport authority itself can hold an enquiry and determine the correct date of birth as well as place of birth. In this connection, he relies upon following judgments :-

- A) ***Jigar Harish Shah Vs. Union of India and Another, AIR 2001 Bombay 60 ;***
- B) ***Kokilaben J. Panchal Vs. Regional Passport Officer, Ahmedbad, AIR 2006 Gujarat 149 ;***
- C) ***Pushpendra Singh Diwaniyan Vs. UOI & Ors., 162 (2009) DLT 602; and***
- D) ***Mohammed Habeebulla Mehkri Vs. The Regional Passport Officer & Another, Writ Petition No. 9256/2013, decided on 4th July, 2013 by the High Court of Karnataka at Bangalore.***

3. On the other hand, learned counsel for respondents relies upon Clause 6.1 of the Passport Manual 2010 which states that whenever change of place of birth is sought from one State to another, parties should be asked to produce a declaratory decree from a court.

4. However, keeping in view the aforesaid judgments cited by learned counsel for petitioner as well as the fact that the petitioner is relying upon a statutory document, namely, birth certificate issued under the Act, 1969, this Court is of the view that petitioner's request for change of place of birth should be examined by the passport authority itself.

5. In fact, this Court in ***Tamana Gulshan Vs. Table Tennis Federation of India & Ors., W.P.(C) 4508/2015***, decided on ***21st January, 2016*** after taking into account Section 17(2) of Act, 1969 and Section 76 of the Indian Evidence Act, 1872 has held as under:-

“6. In view thereof the birth certificate is legal, valid and admissible in evidence. If any party has any grievance with regard to said certificate, it is free to take any step in accordance with law, but till the said certificate is set aside in any legal proceedings, the same shall be treated as legal, valid and binding by all the respondents.”

6. Consequently, the impugned order dated 25th June, 2015 is set aside and the matter is remanded back to the concerned passport officer for deciding the petitioner's application for change of place of birth as expeditiously as possible, preferably within four weeks.

7. With the aforesaid directions, present writ petition stands disposed of.

MANMOHAN, J

FEBRUARY 11, 2016

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