

CWP No.10681 of 2018 -1-

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

CWP No.10681 of 2018 (O&M)

Date of decision: 23.5.2018

Meher Bharath Palli

...Petitioner

Versus

Union of India and another

...Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr.Puneet Sharma, Advocate for the petitioner.

Mr.P.S.Sidhu, Advocate for respondents No.1 and 2.

Rakesh Kumar Jain, J.(Oral)

This petition pertains to the issuance of a passport to the petitioner. The petitioner was born to Parkash Dholam and Reshma Parkash Dholam. She has been named as Janvi which is shown in the birth certificate issued on 3.4.2018. She was adopted by Bharath Sathyanarayana Palli and Ashma Prabhakar by a registered adoption deed dated 10.4.2018. The adoptive parents obtained an amended birth certificate on 12.4.2018 bearing their parentage. The adoptive mother applied for the passport of the petitioner online after paying the requisite fee of Rs.900/- on 11.4.2018. She was given an appointment at Passport Sewa Kender, Jalandhar. It is averred in the petition that the petitioner being an India born child was adopted by Indian parents. They had submitted the required documents to the Passport Authority. However, the passport was not issued and therefore, the present petition is filed for seeking a mandamus.

After notice, the respondents have filed reply today in the Court. The only objection that has been raised by the counsel for the

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respondents is that as per Section 5(2) of the Passports Act, the passport Authority has the jurisdiction to make requisite enquiry before issuing the passport and to verify about the genuineness of the adoption deed. Although it is submitted by the counsel for the petitioner that adoption deed is a registered document and there is no complaint so far by the natural parents or anybody else to the Passport Authority in regard to the adoption deed. Still, it is submitted by learned counsel for the petitioner that in case the Passport Authority want to satisfy itself about the adoption deed it may make an enquiry but he has earnestly requested that respondents may be directed to complete the exercise within the prescribed period as the adoptive father is working in Singapore and ultimately the family has to shift alongwith the child. He has also submitted that even the registered adoption deed is available on the website of Maharashtra Government.

In view of the above, the present petition is hereby disposed of with a direction to the Passport Authority, Jalandhar (respondent No.2) to make necessary enquiry in regard to the registered adoption deed on the basis of which the adoptive parents have filed the application for seeking passport in the name of the petitioner with their parentage. The entire exercise shall be completed by the Passport Authority, Jalandhar as early as possible, preferably within a period of one month from the date of receipt of certified copy of the order.

May 23 2018
Meenu

(Rakesh Kumar Jain)
Judge

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