

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15015 of 2018
Date of Decision:13.09.2018

Arvinder Singh

..... Petitioner

Vs.

The Chief Passport Officer and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.S.P. Soi, Advocate,
for the petitioner.

Ms.Gehna Vaishnavi, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner, a minor, has filed this petition through his mother as a natural guardian for seeking a writ in the nature of mandamus for issuance of a passport.

It is averred in the petition that the petitioner was born out of the wedlock of Nirmal Singh and Gurvinder Kaur on 05.10.2005. He was holding a passport bearing No.G-9008072 issued to him on 20.6.2008 which had expired on 19.6.2013. The petitioner was issued a fresh passport bearing No.K-3949152 on 20.03.2013 which has also expired on 19.3.2018. The mother of the petitioner filed an application for renewal of the passport of the petitioner, vide application No.JA-2071669431017, to the Regional Passport Officer, Jalandhar. It is averred in the petition that the respondents, vide impugned letter dated 15.12.2017, has closed the file of the petitioner.

Learned counsel for the petitioner has submitted that the mother of the petitioner has been orally told that the passport, in the name of the father of the petitioner bears the name of spouse as Jagir Kaur whereas the petitioner has claimed that his parents are Nirmal Singh and Gurvinder Kaur. It is submitted that the petitioner was born out of the wedlock of Nirmal Singh and Gurvinder Kaur and in this regard he has produced marriage certificate of Nirmal Singh and Gurvinder Kaur bearing the date of marriage as 06.05.1992, place of marriage as Village Haripur District, Jalandhar, duly issued by the Registrar of Marriages, Phagwara. He has also produced a copy of the birth certificate of the petitioner bearing No.3338091 dated 25.01.2008 in which it is mentioned that the petitioner was born to Nirmal Singh and Gurvinder Kaur on 05.10.2005 and his birth was got registered by them on 13.10.2005. It is further submitted that the petitioner and his mother are living in India whereas Nirmal Singh is presently living in UK. He is not aware of the whereabouts of Jagir Kaur, the so called spouse of Nirmal Singh.

Learned counsel for the respondents has submitted that the Regional Passport Officer, Jalandhar has raised the objection only to the extent that in the passport of Nirmal Singh his spouse name is mentioned as Jagir Kaur instead of Gurvinder Kaur, therefore, the actual parentage of the petitioner is disputed.

I have heard learned counsel for the parties and perused the record with their able assistance.

There is no doubt that the petitioner was issued a passport on 20.6.2008 which was renewed on 20.3.2013 and has expired on 19.3.2018. The petitioner has already applied for passport and his

application has not been declined but the file has been closed without assigning any reason which has been given during the course of hearing about the uncertainty of the parentage of the petitioner because the spouse name in the passport of his farther Nirmal Singh is mentioned as Jagir Kaur instead of Gurbinder Kaur.

Keeping in view the fact that the petitioner has produced on record marriage certificate of Nirmal Singh and Gurbinder Kaur and his birth certificate in which the name of his parents is mentioned as Nirmal Singh and Gurbinder Kaur, the impugned letter dated 15.12.2017 (Annexure P-4) is hereby set aside and the matter is remanded back to the Regional Passport Officer, Jalandhar to reconsider the application of the petitioner, already filed, which is stated to have been closed, in view of the observations made herein above and pass an appropriate order within one week from the date of receipt of certified copy of this order.

Copy *dasti*.

13.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*