

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

CWP No.25012 of 2017 (O&M)

Date of decision: 28.08.2018

Azad Kumar

...Petitioner(s)

Versus

Union of India and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.K. Sharma, Advocate for the petitioner(s).

Mr. P.S. Sidhu, Advocate for the respondents.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks issuance of directions to respondent No.2 to renew the passport No.G0494812 of the petitioner with correct date of birth as 11.11.1966 instead of 12.04.1980 which was valid upto 22.10.2016.

The passport issued to the petitioner expired on 22.10.2016. The petitioner applied for the renewal of the passport and correction of his birth as 11.11.1966 instead of 12.04.1980. For the redressal of his grievance, the petitioner sent an application dated 22.09.2017 to respondent No.2 but the same has not been dealt with so far.

On the other hand, learned counsel for the respondents states the petitioner had mentioned date of his birth as 12.04.1980

while he applied for the passport and on the basis of the particulars given by the petitioner, the passport was issued to him. He further states that as per records, the petitioner has not submitted any representation for change of date of birth before the passport authorities.

Heard.

Learned counsel for the petitioner is unable to explain as to how for correction of date of birth which involves a question of fact can be agitated by way of filing a writ petition under Article 226 of the Constitution of India. Otherwise also, as per reply filed by respondent No.2, the petitioner was advised to appear before the Passport Officer on any working day with all supporting documents with regard to correction of date of his birth and such an application will be considered as per the Passport Act, 1967. The petitioner instead of approaching respondent No.2 has filed the present petition which is not maintainable.

Dismissed.

However, keeping in view the averment made in preliminary submissions of the reply filed on behalf of respondent No.2, the petitioner is free to approach respondent No.2, if so advised.

28.08.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No