

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

CWP No. 25970 of 2017

Date of Decision: 06.03.2017

MANDEEP SINGH

..... Petitioner

V/S

***UNION OF INDIA THROUGH ITS SECRETARY, MINISTRY OF
EXTERNAL AFFAIRS, NEW DELHI AND ANOTHER***

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Bhriugu Dutt Sharma, Advocate,
for the petitioner.

Mr. Karan Singh, Advocate,
for Mr. Indresh Goyal, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has applied for a passport vide File No. JA106151169017 dated 22.09.2017. He is the natural born son of Kuldeep Singh son of Joginder Singh and Gurjit Kaur wife of Kuldeep Singh. His natural parents have given him in adoption to Dildar Singh son of Jagir Singh son of Hazara Singh and Carola Singh wife of Dildar Singh residents of Village Bassi Hast Khan, P.O. Bahadarpur Bahian, Tehsil and District Hoshiarpur vide registered Adoption Deed dated 01.02.2005. The name of the adopted parents is mentioned in the matriculation certificate, driving licence, Adhar Card etc. of the petitioner. It is submitted that the respondents have not issued passport to the petitioner and asked him to produce certain documents namely;

1. *NOC from CARA, if adoptive parents are having foreign nationality with foreign passport.*
2. *Birth certificate of adopted minor.*
3. *Copies of valid passports (full pages) of both adoptive and natural parents.*
4. *Legal and Valid adoption deed declared by Court of law.*

- 5. *Details of Children of both, the Natural and adoptive parents.*
- 6. *Medical certificate of adoptive parents if no child is born.*
- 7. *Explanation for not disclosing about his being adoptive in his file of 2012 and 2017.*

Learned counsel for the respondents has submitted that respondents have no objection to issue passport to the petitioner provided the aforesaid documents are submitted by the petitioner.

In this regard, learned counsel for the petitioner has referred the Section 6 of the Passport Act, 1967 to contend that the respondents can refuse to issue passport only on the grounds mentioned in the said provision. However, still he has submitted that the petitioner would provide the documents of adoption and birth certificate which is required for the purpose of verifying the particulars given in the application form by the petitioner.

After hearing learned counsel for the parties and taking into consideration the aforesaid facts and circumstances, am of the considered opinion that this petition deserves success and is disposed of with a direction to the respondents to consider the application of the petitioner for issuance of passport after receiving birth certificate of the petitioner, who is a major now and the legal and valid Adoption Deed executed by the natural parents in favour of the adopted parents.

It is needless to mention that needful shall be done within one month from the date of receipt of certified copy of this order.

March 6, 2017

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No