

\$~80

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

+ W.P.(C) 13453/2018

ANANT SHUKLA

..... Petitioner

Through: Mr Rakesh Taneja, Advocate.

versus

UNION OF INDIA THROUGH THE CHIEF
PASSPORT OFFICER AND ANR.

..... Respondents

Through: Mr Akshay Makhija, CGSC with Mr
Jitendra Kumar Tripathi, GP, Ms Kriti
Awashi and Ms Mahima, Advocates
for UOI/R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

14.12.2018

CM No. 52388/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 13453/2018

2. Issue notice. Learned counsel for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to process his application for a passport. The petitioner was issued a passport (Passport No.E-2880038 dated 08.08.2002), which was valid for a period of five years, that is, extending upto 07.08.2007. The petitioner was a minor at the relevant time. The petitioner's date of birth was recorded in the said passport as 10.09.1992.

4. The petitioner applied for new passport on 28.08.2014 indicating his date of birth in the application as 10.09.1993. The passport has not been issued to the petitioner in view of the discrepancies in the dates of birth.

5. The petitioner has produced several documents including his school leaving certificate to establish that his correct date of birth is 10.09.1993. The petitioner had also produced a Birth Certificate issued by the Kanpur Municipal Corporation indicating his date of birth as 10.09.1993 and his place of birth as Gandhi Nagar, Kanpur. The Birth Certificate dated 09.05.2014 is admittedly a false certificate as according to the petitioner he was not born in Kanpur but in Bhopal. The learned counsel appearing for the petitioner states that the said certificate has been cancelled.

6. It appears from the letter dated 10.08.2018, which is placed on record that the first passport was issued to the petitioner based on a Birth Certificate (Certificate No.019) dated 01.01.1993 issued by the Registrar of Birth and Deaths, Municipal Corporation, Bhopal. Plainly, a Birth Certificate dated 01.01.1993 could not be issued if the petitioner was not even born as on that date. Thus, the controversy, essentially, relates to the records of the Registrar of Births and Deaths, Municipal Corporation of Bhopal and an enquiry with regard to the said certificate is required to be held.

7. In the aforesaid view, it would be apposite to direct the Municipal Corporation, Bhopal to conduct an enquiry into the said alleged certificate (certificate no. 19 dated 01.01.1993). Plainly, if it is found that the said certificate was issued at the relevant time then the petitioner's contention that he was born on 10.09.1993 would be incorrect. This in turn would mean that several documents obtained by the petitioner including the school leaving certificate and Aadhar card have been obtained by giving incorrect

information.

8. In view of the above, the present petition is disposed of by directing the Municipal Corporation, Bhopal to conduct an appropriate enquiry and submit the said results of the enquiry directly to the respondents. It is seen that the similar request was also made by the respondents to the Bhopal Municipal Corporation.

9. On the said enquiry report being submitted to the respondents, the respondents shall take necessary steps to issue passport to the petitioner on the correct date of birth as so established.

10. The petition is disposed of. The Registry is directed to send a copy of this order directly to the Registrar Birth and Death, Municipal Corporation Bhopal, District Bhopal, Madhya Pradesh.

VIBHU BAKHRU, J

DECEMBER 14, 2018

MK