

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

CWP-21844-2018 (O&M)
Date of decision : 02.04.2019

Kulvinder Singh

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Satpreet Grewal Kapila, Advocate,
for the petitioner.

Mr. Sudhir Nar, Advocate,
for respondent Nos.1 and 3.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J.

CM-16732-CWP-2018

CM application is allowed and reply on behalf of respondent Nos.1 and 3, appended therewith, is taken on record, subject to all just exceptions.

Main case

Prayer in the present petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ of Mandamus directing the respondents to correct the place of birth of the petitioner in his passport in accordance with the civil Court decree dated 01.11.2017 (Annexure P-2).

It is contended that the petitioner applied for issuance of a Passport mentioning the place of his birth as 'Panwan'. The passport was

issued on 01.03.2000 (Annexure P-1). On expiry of the passport on 28.02.2010, an application for renewal thereof before respondent No.3 was made. During the inquiry, it was pointed out that the petitioner has mentioned his place of birth as Mumbai in his earlier passport. Thereafter, the petitioner preferred a civil suit for correction of place of birth in his passport. The suit was partly decreed vide judgment and decree dated 01.11.2017, passed by learned Civil Judge (Jr. Divn.), Dasuya, District Hoshiarpur declaring the place of birth of the petitioner as 'Panwan' instead of Bombay.

It is submitted that despite the civil Court decree declaring the place of birth of the petitioner as 'Panwan', the passport authorities are not carrying out the necessary correction.

On the other hand, learned counsel for respondent Nos.1 and 3 submits that the petitioner has not approached this Court with clean hands. The petitioner had declared his place of birth at Mumbai in his previous Passport No.A-6057166 dated 31.07.1998, valid upto 30.07.2008 issued by the RPO, Mumbai. Without disclosing this fact, the petitioner applied for issuance of new passport which was issued on 01.03.2000, valid upto 28.02.2010 and obtained Passport No.B-1448985 from RPO, Jalandhar, wherein, the place of birth of the petitioner has been reflected as VPO Panwan, District Hoshiarpur. Thus, the petitioner obtained two Passports simultaneously by furnishing false information and suppressing material facts.

Heard.

As per the provisions of Section 10(3)(b) of the Passport Act,

1967, holding of more than one Passport at a time is an offence and the passport authorities reserve a right to register criminal case against such person. Admittedly, prior to issuance of Passport No.B-1448985 to the petitioner, he was already holding Passport No.A-6957166, which was issued by the Regional Passport Office, Mumbai. The petitioner suppressed this material fact. Further, both the passports have been obtained after reflecting different places in the column of 'place of birth' of the applicant.

In view of the fact that the petitioner did not approach the Passport Authorities with clean hands as he suppressed the material information of holding two Passports, this Court does not find any merits in the instant petition and the same is hereby dismissed.

02.04.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No