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

+ **LPA 68/2019**

% **Date of Decision: 29th August, 2019**

UNION OF INDIA & ORS Appellants
Through: Ms.Shiva Lakshmi, CGSC with
Ms.Pragya Wal, Mr.Siddharth Singh, Adv.

Versus

SAKSHI BATRA Respondent
Through: Mr.Rajiv Gupta, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

: **D. N. PATEL, Chief Justice (Oral)**

1. This Letters Patent Appeal has been preferred challenging the judgment and order dated 7th September, 2018 passed by the learned Single Judge in W.P.(C) No.9426/2018, whereby the petition preferred by the respondent (original petitioner) was allowed, and a direction has been given to the appellant – Union of India to issue a passport with 26th August, 1992 as the rectified date of birth.

2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the respondent preferred the writ petition, W.P.(C) No.9426/2018 for seeking direction upon the appellant for issuance of the passport with birth date – 26th August,

1992. The respondent is having two birth certificates which reveal two separate birth dates; one is (a) 26th November, 1992 and the other is (b) 26th August, 1992.

3. As per Section 15 of the Registration of Births and Deaths Act, 1969 (hereinafter referred to as 'the Act of 1969') there is a provision for correction or cancellation of the entry in the register of birth. For ready reference, Section 15 of the Act of 1969 reads as under:-

“15. Correction or cancellation of entry in the register of births and deaths.—If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

4. In view of the aforesaid provision, the respondent will prefer a proper application to the concerned authority under the Act of 1969 for cancellation and/or correction of the entry in the register of birth of the respondent. Thereafter, the birth certificate with the correct date will be issued and the said corrected birth certificate may be supplied to the appellant so that a passport could be issued by the appellant in accordance with law.

5. This aspect of the matter has not been properly appreciated by the learned Single Judge while deciding W.P.(C) No.9426/2018 vide impugned order dated 7th September, 2018. Hence, the impugned judgment and order is quashed and set aside.

6. It is for the respondent (original petitioner) to get the date of birth

corrected under the Act of 1969 and thereafter, submit the correct birth certificate to the appellant, who will, in turn, issue a passport to the respondent with the rectified date of birth.

7. With these observations, the appeal is allowed and disposed of.

C.M.No.4793-94/2019

8. In view of the final order passed in the appeal, these applications stand disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 29, 2019

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