

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

CWP No. 18335 of 2018 (O&M)

Date of decision: 05.11.2020

Manbir Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Alok Kumar Jain, Sr. Panel Counsel
for the respondents.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this civil writ petition, which is pending since 2018, is for issuance of directions to the respondents-authorities to issue a passport to petitioner Manbir Singh against his application File No. AS1061144006017, which has been filed after removing the defects.

Learned senior counsel for the petitioner submits that actual date of birth of the petitioner is 29.06.1995 and his biological parents are 'Alambir Singh' and 'Manjit Kaur', residents of village Pandori Ran Singh, Tehsil Tarn Taran, District Tarn Taran.

Learned senior counsel further submits that there was an oral adoption of the petitioner, on the basis of which, the earlier application was given for issuance of a passport, however, since the passport authorities have raised an objection due to stringent conditions regarding authentic

proof of the adoption as well as date of birth, which was given as 02/16.03.1993, the present writ petition has been filed.

Written Statement and additional affidavit, filed by the Regional Passport Officer, are on record. As per the additional affidavit, the reason for non-issuance of a passport to the petitioner is because of the fact that his earlier applications were filed with a different name, parentage and date of birth. It is further stated that the petitioner had also applied in 1998 with parents as 'Alambir Singh' and 'Manjit Kaur', showing his date of birth as 29.06.1995, however, again in the year 2001, he applied giving his name as 'Raman Singh' son of 'Joginder Singh' and 'Jasvir Kaur' with his date of birth as '02.03.1993'. It is further stated that the petitioner again applied in 2015 as 'Manbir Singh' showing his date of birth as 29.06.1995. In para 4 of the affidavit, it is stated that due to these discrepancies, a ban was imposed on issuance of passport to petitioner for a period of two years i.e. upto 19.02.2020. It is further stated in para 5 of the affidavit that since the period of ban is over, the petitioner has to apply again in accordance with law and submit a cancellation certificate of adoption deed as well as date of birth certificate of 16.03.1993.

In reply, learned senior counsel for the petitioner submits that the petitioner will furnish a fresh application by showing his correct date of birth i.e. 29.06.1995 and showing his biological parents i.e. Alambir Singh and Manjit Kaur as well as the correct address along with all documentary proofs as required by the Passport Office.

Learned senior counsel further submits that in fact neither the alleged adoption deed was a written document nor the petitioner's correct date of birth is 02.03.1993 as his correct date of birth is 29.06.1995 as per

the birth certificate relied upon by him. The wrong application was filed under a mistaken belief to get Visa.

In view of the affidavit, filed by the Regional Passport Officer, wherein it has been stated that since the aforesaid ban period is over, the petitioner can apply afresh for issuance of a passport, the present petition is disposed with a direction that petitioner will apply afresh for issuance of his passport giving his date of birth as '29.06.1995' along with birth certificate as well as showing his biological parentage i.e. 'Alambir Singh and Manjit Kaur' along with all the proofs as required by the passport authorities.

It is made clear that while dealing with the application, the Regional Passport Officer shall not take into consideration the previous application or any other document submitted by the petitioner along with that or the rejection order. The fresh application will be considered independently on the basis of the documents relied upon by the petitioner afresh.

Needles to say, the Regional Passport Officer will not be influenced by any alleged adoption deed or alleged date of birth i.e. 02/16.03.1993.

Let the needful be done within a period of three months from the date of submission of the fresh application.

05.11.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No