

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

103

CWP-1802 of 2023

Date of Decision:31.01.2023

Kamaljit Kaur

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

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Present: Mr. Simar Bedi, Advocate,  
for the petitioner.

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**JASGURPREET SINGH PURI, J. (Oral)**

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to issue fresh passport to the petitioner by incorporating his correct date of birth as 24.01.1974 instead of 25.05.1974.

It has been submitted by learned counsel for the petitioner that the petitioner was holding a passport and thereafter she made an application (Annexure P-1) for effecting the change in the date of birth on the basis of various documents alongwith the application which included matriculation certificate, Aadhar card, identity card and PAN card. He submitted that as per the rules which governs the passport authorities whenever an application is made for changing the date of birth of the passport holder then the same can be done on the basis of conducting an enquiry and verification of documents and

thereafter an appropriate action is taken but the aforesaid application (Annexure P-1) was filed on 27.07.2022 and almost six months have elapsed but no action has been taken by the passport authorities. He submitted that even a legal notice dated 10.10.2022 (Annexure P-8) was issued but neither the legal notice has been decided nor any action has been taken in this regard nor any intimation has been sent to the petitioner. He submitted that the valuable rights of the petitioner have been effected due to inaction on the part of the passport authorities-respondent No.2. He submitted that the petitioner will be satisfied in case at this stage a direction is issued to the passport authorities to consider the legal notice issued by the petitioner vide Annexure P-8 in accordance with law and finalize the same.

Notice of motion.

Mr. Kushager Goyal, Advocate for Ms. Shweta Nahata, Advocate, for the respondents accepts notice on behalf of passport authorities-respondents and he states that he has no objection in case the limited prayer of the petitioner is accepted at this stage for considering and deciding the legal notice issued by the petitioner vide Annexure P-8 in accordance with law.

In view of the aforesaid position and in view of the limited prayer which has been made by learned counsel for the petitioner at this stage for seeking directions to the passport authorities to consider and decide the legal notice Annexure P-8, the present petition is disposed of without observing anything on the merits of the case with a direction to respondent No.2-Regional Passport Officer to consider and finalize the application (Annexure P-1) which has been filed by the petitioner for grant of passport and to decide the legal

notice vide Annexure P-8 strictly in accordance with law within a period of two months from today.

Needless to say that in case thereafter the petitioner is found to be entitled for the change of date of birth by the concerned passport authorities, then needful shall be done within a period of next three weeks and in case the passport authorities come to the conclusion that the petitioner is not found to be entitled for the aforesaid relief of change of date of birth then the passport authorities-respondent No.2 shall pass a well-reasoned speaking order in this regard and that too within a period of three weeks.

(JASGURPREET SINGH PURI)  
JUDGE

January 31, 2023  
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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |