

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP-12847 of 2022

Date of Decision: 27.01.2023

Harpal Singh

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Deepak Jindal, Advocate,
for the petitioner.

Ms. Gehna Vaishnavi, Advocate,
for the respondents.

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 re-issue the passport to the petitioner by incorporating his correct date of birth to be 01.04.1981 which is recorded in not only in his birth certificate but in other certificates as well which have been attached with the writ petition from Annexures P-2 to P-7 respectively.

Dr. Jindal, learned counsel appearing on behalf of the petitioner submitted that the petitioner was earlier holding a passport from the year 1998 till the year 2008 which has expired and in that passport the date of birth of the petitioner was mentioned as 01.07.1977 and at that point of time when the

passport was applied, the petitioner was not having any birth certificate or any other such document to substantiate the date of birth. In fact, the date of birth was incorrectly mentioned on the basis of oral information from the family members. He submitted that thereafter he filed a fresh application on 31.12.2021 in which all the documents pertaining to his date of birth which are from Annexures P-2 to P-7, respectively, were annexed and more than one year has lapsed, the concerned passport authorities neither considered the application of the petitioner for grant of a passport nor passed any order in this regard. He submitted that specific procedure has been provided under the Passport Rules for not only change of passport but for the correction of the date of birth to meet such like situation and there was no justification for the passport authorities to have kept quiet on the application which was filed by the petitioner for the grant of passport. He submitted that in fact it was the duty of the passport officer to have enquired about the authenticity of the documents pertaining to the birth certificate in accordance with the Passport Rules and thereafter to have issued the passport to the petitioner in accordance with law but the same was not done and therefore the present petition has been filed.

Ms. Gehna Vaishnvi, learned counsel appearing on behalf of the respondents has submitted that it is correct that the passport authorities have not passed any order either accepting or refusing the application filed by the petitioner and submitted that some time may be granted to the passport authorities to consider the application which has been filed by the petitioner on 31.12.2021 by incorporating the correct date of birth on the basis of documents. She submitted that the same will be done as early as possible.

I have heard the learned counsel for the parties.

The petitioner had filed an application for grant of passport on the basis of date of birth which was different from the date of birth which was mentioned in the earlier passport of the petitioner. He has also annexed different documents to support the actual date of birth of the petitioner vide Annexures P-2 to P-7 respectively. This Court is of the considered view that after the filing of the application which is more than one year ago, it was the duty of the concerned passport officer to at least consider and finalize the application of the petitioner by either accepting or refusing the same strictly in accordance with law. However, no action has been taken by the respondents in this regard with the result that the application of the petitioner has remained pending for more than one year.

Learned counsel for the respondents-passport authorities also submitted that the final decision shall be taken as early as possible.

In view of the above, the present petition is disposed of with a direction to respondent No.2-Regional Passport Officer, Jalandhar to consider and finalize the application which has been filed by the petitioner for grant of passport strictly in accordance with law within a period of six weeks from today. It is further directed that in case the petitioner is found entitled for grant of passport on the basis of date of birth mentioned in the Annexures P-2 to P-7 respectively or any other document, then he shall be issued passport within a period of next three weeks. However, in case the passport authorities come to the conclusion that the petitioner is not entitled for the grant of passport for any reason whatsoever then it shall be obligatory on the part of the Regional Passport Officer to pass a well-reasoned speaking order in this regard after

giving opportunity of personal hearing to the petitioner and that too within a period of three weeks.

At this stage, Dr. Jindal has stated that the petitioner may be granted liberty to supply all the relevant documents pertaining to date of birth including Annexures P-2 to P-7 again to the passport authorities and he will do the same within a period of one week from today.

Liberty is granted as aforesaid.

(JASGURPREET SINGH PURI)
JUDGE

January 27, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No