

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CWP-16425 of 2019
Date of Decision: 18.01.2023

Mitha Singh

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B. S. Bhalla, Advocate,
for the petitioner.

Ms. Gurmeet Kaur Gill, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing respondent No.2, i.e the Regional Passport Authority to change the name of the father of the petitioner as Bhajan Singh instead of Harbhajan Singh.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was issued passport by the passport authorities earlier in the year 1996 which had already expired in the year 2006 and in the aforesaid passport, the name of the father of the petitioner was mentioned as Harbhajan

Singh which was an inadvertent mistake. However, now on 16.03.2019 vide Annexure P-4, the petitioner filed an application for issuance of a fresh passport in which the name of the father of the petitioner has been mentioned as Bhajan Singh, which was the correct name of the father of the petitioner.

To substantiate his argument, he referred to Annexure P-5 which are PAN card, Voter card and Aadhar card, wherein the name of the father of the petitioner is Bhajan Singh and not Harbhajan Singh and even otherwise also in pursuance of the guidelines of the passport authorities, he also got published in the Official Gazette, i.e. the Gazette of India vide Annexure P-3 that the name of the father of the petitioner was wrongly mentioned in his earlier passport, whereas the actual name of the father of the petitioner is Bhajan Singh which may be corrected accordingly. He submitted that despite all the formalities being completed, the passport authorities have not considered the application of the petitioner and has not issued passport to the petitioner with the name of the father of the petitioner mentioned as Bhajan Singh nor any order has been passed by the passport authorities in this regard. He submitted that a prejudice has been caused to the petitioner due to inaction on the part of the passport authorities.

On the other hand, Ms. Gill, learned counsel appearing on behalf of the respondents-passport authorities submitted that in the earlier passport the name of the father of the petitioner was mentioned as Harbhajan Singh but an objection was raised by the passport authorities that now the name of the father of the petitioner has been changed and that was the reason as to why a fresh passport has not been issued to the petitioner.

I have heard the learned counsel for the parties.

As per the facts of the present case, the petitioner was earlier issued a passport way back in the year 1996 which expired in the year 2006, in which name of the father of the petitioner was mentioned as Harbhajan Singh, but as per the learned counsel for the petitioner, the name of the father of the petitioner is Bhajan Singh and when he applied for a fresh passport, he mentioned the name of his father as Bhajan Singh. Learned counsel has also referred to various documents including a Gazette of India notification to show that the actual name of the father of the petitioner is Bhajan Singh and not Harbhajan Singh and in the earlier passport it was inadvertently mentioned as Harbhajan Singh. This Court is of the view that once an application for fresh passport was filed by the petitioner by giving the name of his father as Bhajan Singh, the passport authorities ought to have considered the application of the petitioner after satisfying themselves regarding the documents which have been attached by the petitioner in the present petition. It was incumbent upon the passport authorities to have at least considered and pass an order either accepting or refusing the application which was filed by the petitioner wayback on 16.03.2019.

Therefore, considering the aforesaid facts and circumstances, the present petition is disposed of with a direction to the respondent-passport authority, i.e. respondent No.2 to process the application filed by the petitioner vide Annexure P-4, after considering all the documents submitted by him and thereafter, in case the petitioner is entitled for the issuance of passport by mentioning the name of his father as Bhajan Singh in accordance with the rules and guidelines governing the passport authorities and the same shall be issued to him in accordance with law and in case the petitioner is not entitled for the

issue of the passport for any reason whatsoever then the concerned passsport authorities shall pass a speaking order by giving reasons thereof after affording an opportunity of hearing to the petitioner.

The entire exercise shall be carried on by the concerned passport authorities within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

January 18, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No