

204

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-26988-2021

Date of Decision: 02.05.2023

Sarbjit Kaur

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Khokher, Advocate
for the petitioner.

Ms. Shweta Nahata, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to make correction in the date of birth of the petitioner as '17.09.1983' in place of '17.09.1986' in her passport as per her birth certificate and other supported documents.

2. Learned counsel for the petitioner submitted that the petitioner had filed an application in the year 2021 before the Passport Authority for the correction of the aforesaid date of birth but no further action has been taken by the Passport Authority and now in the reply which has been filed by the Passport Authority it has been so stated that the petitioner earlier had filed an affidavit that the date of birth was different from what she is claiming now in the application. He further submitted that the respondents-Passport Authorities have failed to exercise the jurisdiction and power despite the fact that an

application is pending for about two years.

3. On the other hand, Ms. Shweta Nahata, learned counsel appearing on behalf of the Passport Authorities submitted that although the application filed by the petitioner has not been finalized but as per the reply filed by the Passport Authority, the petitioner had earlier furnished an affidavit with regard to her actual date of birth and now she has filed a fresh application for change of date of birth. She further submitted that the application of the petitioner will now be considered and finalized within a period of two months from today.

4. I have heard the learned counsel for the parties.

5. The petitioner has moved an application to the respondents-Passport Authorities for change of date of birth in the passport. The same was kept pending by the Passport Authorities for two years. Although the Passport Authorities have taken up stand opposing the petition by giving reasons but the Passport Authorities have not cared to finalize the application filed by the petitioner. It was rather duty of the Passport Authorities to have at least finalize, after due consideration, the application filed by the petitioner. It is not understandable as to why a person, who is a citizen of India, is compelled to approach the Court only for the purpose that her application has not been considered and decided and for matter pertaining to passport, the file is kept pending for two years.

6. Be that as it may, now since the learned counsel for the Passport Authorities has stated that the application of the petitioner will be considered and finalized within a period of two months from today, it is directed that the concerned Passport Authority shall consider and finalize the application of the petitioner within a period of two months from today. At the time of

consideration of the application, the petitioner or her counsel shall be afforded an opportunity of hearing, who will be at liberty to file any documents or certificates in support of her claim, which shall also be considered by the Passport Authorities.

7. In case, after consideration the Passport Authorities come to the conclusion that the claim made in the application for change of date of birth in the passport can be granted then the same shall be done within next three weeks and in case, for any reason whatsoever under the law, the Passport Authorities come to the conclusion that the petitioner is not entitled for change of date of birth in the passport, then a well-reasoned speaking order shall be passed by the Passport Authorities in this regard and the same shall be conveyed to the petitioner.

8. In view of the aforesaid directions, the present writ petition is disposed of.

02.05.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No