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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11569/2022 & CM APPL. 27139/2024**

SIGI RAQUEL CRANSTON

..... Petitioner

Through: Mr. Subhash Chandran K.R., Mr.
Krishna L.R., Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mrs. Amrita Prakash, CGSC with Mr.
Vishal Ashwani Mehta and Mr.
Hansraj Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.05.2024

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1. The Petitioner has approached this Court with the following prayer:-

“a) Issue an appropriate Writ / Order / Direction directing the Respondent(s) to make necessary corrections in Passport No. U0549901 by changing name of father from Mr. Paul Ravi Rodrigues (step father) to Mr. Sydney A Cranston (Jr.) (biological father); and

b) Pass such other and/or further order (s) as this Hon'ble Court may deemed just and proper in the facts and circumstances of the case.”

2. The facts of the case reveal that the Petitioner was born to Ms. Guilhermina Francisca Luz De Souza Cranston and Mr. Sydney Arthur Cranston (Jr.) on 06.01.1982. It is stated that Ms. Guilhermina Francisca Luz De Souza Cranston and Mr. Sydney Arthur Cranston (Jr.) got married



on 16.03.1978. The fact that Petitioner has been born to Ms. Guilhermina Francisca Luz De Souza Cranston and Mr. Sydney Arthur Cranston (Jr.) is demonstrated by the birth certificate issued by the Corporation of City of Panji showing that the Mr. Sydney Arthur Cranston (Jr.) as father of the Petitioner and Ms. Guilhermina Francisca Luz De Souza Cranston as the mother of the Petitioner and the baptism certificate issued by the Archdiocese of Goa and Daman.

3. Material on record discloses that Ms. Guilhermina Francisca Luz De Souza Cranston and Mr. Sydney Arthur Cranston (Jr.) got divorced on 25.02.1986 and thereafter Ms. Guilhermina Francisca Luz De Souza Cranston got married to Mr. Paul Ravi Rodrigues.

4. It is stated in the writ petition that the step father and the mother of the Petitioner along with the Petitioner herein moved to Bahrain. In the passport which was issued to the Petitioner, instead of showing the name of the biological father of the Petitioner, i.e., Mr. Sydney A Cranston (Jr.), the name of step father has been shown as the father of the Petitioner.

5. On attaining majority, the Petitioner now wants to set the records straight and correct the records of the passport which will show the name of her biological father in the passport documents.

6. The application of the Petitioner has been rejected on the ground that the guidelines relating to issuance of a passport do not permit consideration of such an application. Paragraph 4.4.1 and 4.4.2 of the Compendium of Instructions/Guidelines to Issue of Passports in India/Abroad reads as under:-

“4.4.1. Names of both the biological parents must be provided in case of children born out of wedlock.



4.4.2. If an applicant whose biological parents have been divorced and the biological mother/father having the custody of the child gets remarried, applies for passport and wants to get the same issued with the name of the stepfather/step mother instead of biological father/mother, as the case may be, the request of such an applicant parent (in case the applicant is minor)/applicant for the issue of passport with the name of step parent shall be accepted by the Passport Issuing Authority, subject to the submission of the following documents;

(a) A self-declaration on a plain paper stating that he/she does not want to have biological father/mother's name on his/her passport and instead of that, the name of the step father/mother be mentioned against the column of father's/mother's name. The applicant also has to declare that in future if there is a litigation, the entire onus to defend such a case will be on him/her and the Passport Issuing Authority shall not be held accountable for the act of the applicant.

(b) At least two educational/public documents where the name of the step father/mother is mentioned against the father/mother's name column.

(c) Registered Marriage Certificate (of remarriage) of parent who is applying for minor.

All such applications irrespective of the age of the applicant, whether major or minor, shall be processed by PIA only in pre-police verification mode."

7. A perusal of the Clause 4.4.1 shows that the names of both the biological parents must be provided in case of children born out of the



wedlock. The fact indicates that probably the mother of the Petitioner has not given the name of the biological father as mandated in Clause 4.4.1. Clause 4.4.2 permits that in case of children whose parents have got separated and where the name of the biological father of the Petitioner reflects in the passport, an application for change of name of the father in the passport to incorporate the name of the step father can be made by moving an application under Clause 4.4.2.

8. In this case, the Petitioner seeks that the passport must reflect the name of the biological father of the Petitioner for which this Court does not find any reason as to why the request of the Petitioner should be rejected.

9. Resultantly, the writ petition is allowed. The passport authority is directed to correct the name of the father of the Petitioner in accordance with the guidelines which mandates that the name of biological father must be reflected in the passport.

10. Pending application(s), if any, stand disposed of.

SUBRAMONIUM PRASAD, J

MAY 22, 2024

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