

2025:PHHC:111919



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

CWP-10890-2025 (O&M)
Date of decision :25.08.2025

NAVPREET KAUR

...Petitioner

Versus

UNION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Ms. Shreyansi Verma, Central Government Counsel
for the respondents.

HARSH BUNGER, J.

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 27.03.2025 (Annexure P-9) passed by the learned Joint Secretary and Chief Passport Officer, New Delhi (respondent No.2); whereby, an appeal filed by the petitioner challenging revocation of her passport by the Regional Passport Officer, Chandigarh (respondent No.3) has been rejected.

2. Briefly, the marriage of the petitioner is stated to have been solemnized with Dr. Siddharth Narula, in the year, 2000 and from the said wedlock, a daughter was born. It is stated that prior to petitioner's marriage with Dr. Siddharth Narula, she was holding a passport No. P514726; however; in the year-2005; the petitioner obtained another passport bearing No. F1754413, wherein, the name of her spouse was recorded as 'Dr. Siddharth Narula'.

2.1 It transpires from the impugned order dated 27.03.2025 (Annexure P-9) that the petitioner and Dr. Siddharth Narula, got divorce from each other vide divorce decree dated 02.04.2011 issued by the District Judge, Chandigarh.

2.2 Apparently, the petitioner got her passport renewed/re-issued i.e. Passport No. M9280984 (issued on 26.05.2015 with date of expiry as 25.05.2025). In the said Passport No. M9280984, as against the name of spouse, the name of '*Siddharth Narula*' was mentioned, whereas, as per the own pleaded case of the petitioner, she had already got divorce from Sh. Siddharth Narula in the year 2011.

2.3 It appears that on 19.11.2023, the petitioner got re-married to one Sh. Neeraj Kumar and thereafter, vide an application dated 12.03.2024 (Annexure P-2), the petitioner applied to the passport authorities for seeking change in the name of her spouse from '*Dr. Siddharth Narula*' to '*Sh. Neeraj Kumar*'. A similar request was again made vide application dated 18.12.2024 (Annexure P-3).

2.4 It further transpires from the impugned order dated 27.03.2025 (Annexure P-9) that the passport office had received a complaint against the petitioner from Sh. Neeraj Kumar (second husband of the petitioner) through Superintendent, NRI Affairs, Govt. of Punjab; stating that the petitioner had obtained passport with spouse name as '*Siddharth Narula*', although petitioner had got divorce from him in the year 2011.

2.5 Evidently, the Regional Passport Office, Chandigarh, issued a Show Cause Notice dated 21.01.2025 (Annexure P-4) to the petitioner calling upon her to provide suitable explanation regarding suppression of material information in respect of her marital status.

2.6 In response to the afore-said Show Cause Notice dated 21.01.2025 (Annexure P-4), the petitioner submitted an explanation by way of self-declaration (Annexure P-5), the relevant extract of which reads as under :-

“SELF DECLARATION

I, Navpreet Kaur W/o Neeraj Kumar R/o H.No.5642, Sector 38 West, Chandigarh, 160036 do hereby solemnly affirm and declare as under :-

- 1. That, I have applied for my Passport under reissue category vide File Number CH2070497172624 dated 18/12/2024.*
- 2. That, as per your Letter/SCN/FCI/329340272/24 dated 19/12/2024, I have been asked to visit RPO Chandigarh along with explanation regarding correct Marital Status as applicant already got divorced in 2011 but got Passport in 2015 with Divorced Husband name.*
- 3. That, I am holder of First Passport Number P514726 issued at Chandigarh dated 26.08.1993 and after marriage I got my Second Passport Number F1754413 from Chandigarh dated 05.01.2005 with my spouse name endorsed as Siddharth Narula but due to different temperament I got divorced from him on 02.04.2011. (Divorce Deed attached).*
- 4. That, I got the services of Passport renewal from some unknown travel agent in the year 2015 and got Passport Number M9280984 issued from Chandigarh dated 26.05.2015 with my previous spouse name Siddharth Narula whereas I got divorced from him in the year 2011 and the Passport needs to be applied under Divorced category.*
- 5. That, I feel extremely sorry for this mistake which happened due to lack of awareness of Passport Rules and in future such kind of mistakes will never happen from my end.*

6. *That, I got married with Neeraj Kumar dated 19.11.2023 and to get his name endorsed on my Passport, I have applied for it under file number CH2070497172624 dated 18.12.2024 and request you to please issue me Passport at the earliest possible with my spouse name as Neeraj Kumar.*
7. *That, I feel extremely sorry for the inconvenience caused to the passport authorities.*
8. *That, I am ready to pay penalty if any that RPO may deem fit.”*

2.7 Thereafter, the Regional Passport Office, Chandigarh passed an order dated 29.01.2025 (Annexure P-6) whereby, the passport of the petitioner was revoked under Section 10(3)(b) of the Passports Act, 1967 (for short 'the 1967 Act') by observing that “the passport was obtained by the suppression/wrong information provided by the holder.”

2.8 Feeling aggrieved against the afore-said order dated 29.01.2025 (Annexure P-6), the petitioner preferred an appeal before the Appellate Authority (respondent No.2); however, the same has also been dismissed vide impugned order dated 27.03.2025 (Annexure P-9) by observing as under :-

“8. And now, therefore, having gone through all the records and in the light of the full facts and circumstances of the case, I, as the Appellate Authority, as per the provisions u/s 11 of the Passports Act, 1967, decide the appeal as under :

- (i) *Appellant i.e. Ms. Navpreet Kaur obtained passport No.M9280984 dated 26.05.2015 in lieu of passport No.F1754413 dated 05.01.2005. These two passports bear the appellant's spouse name as Shri Siddharth Narula.*
- (ii) *Appellant got divorced from Shri Siddharth Narula in the year 2011, vide Divorce decree dated 02.04.2011 issued by District Judge, Chandigarh.*

- (iii) *It is evident that appellant obtained passport No.M9280984 dated 26.05.2015 from PO by suppressing her marital status and mentioning her divorced husband's name as spouse name in passport despite dissolution of their marriage in the year 2011.*
- (iv) *Since the appellant's passport has been revoked by PO, it cannot be re-used for travel. Therefore, there is no point of reviewing the decision of PO. Appellant is directed to surrender the said passport to PO.*
- (v) *Keeping in view the appellant's occupational needs, appellant may apply for passport application afresh which will be processed by PO on the basis of documents submitted by the appellant subject to clear verification report regarding these documents including additional verification, if any, by Police or by other authorities regarding the credentials of the documents.*
- (vi) *Appeal is disposed of with above directions."*

2.9 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for the relief, as noticed here-in-above.

3. Heard.

4. The question before this Court is whether mentioning of petitioner's previous husband's name, as against the column "name of spouse" in the passport application, amounts to suppression of material information or giving wrong information so as to attract Section 10 (3) (b) of the 1967 Act and/or Section 12 (1) (b) of the 1967 Act?

5. Here, it would be apposite to refer to Section 10 (3) (b), Section 10 (5) and Section 12 (1) (b) of the 1967 Act which read as under:

“10. Variation, impounding and revocation of passports and travel documents

(1) xxx xxx xxx

(2) xxx xxx xxx

(3) *The passport authority may impound or cause to be impounded or revoke a passport or travel document, -*

(a) xxx xxx xxx

(b) if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf;

[Provided that if the holder of such passport obtains another passport the passport authority shall also impound or cause to be impounded or revoke such other passport]

xxx xxx xxx

(5) Where the passport authority makes an order varying or cancelling the endorsements on, or varying the conditions of, a passport or travel document under sub-section (1) or an order impounding or revoking a passport or travel document under sub-section (3), it shall record in writing a brief statement of the reasons for making such order and furnish to the holder of the passport or travel document on demand a copy of the same unless in any case, the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such a copy.

12. Offences and penalties

(1) Whoever-

(a) xxx xxx xxx

(b) knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or travel document under this Act or without lawful authority alters or attempts to alter or causes to alter the entries made in a passport or travel document; or

(c) to (e) xxx xxx xxx

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both”

5.1 A perusal of Section 10 (3) (b) of 1967 Act would show that the power vested in the passport authority to impound or revoke a passport

or a travel document, is discretionary in nature as the term employed therein is “may”. Further, while exercising the said power, the passport authority is obligated to record a brief statement of reasons for making such order, as enjoined upon him in terms of Section 10 (5) of the 1967 Act.

5.2 Still further, a bare reading of Section 10(3)(b) and Section 12(1)(b) of the 1967 Act reflects that the suppression of material information or giving wrong/false information has to be '*with a view to obtain the passport*'.

6. In my considered view, the information which is suppressed or which is wrongly/falsely given; must be such that had that information been correctly disclosed, in that eventuality the passport authority would have refused the issuance of passport to such applicant in terms of Section 5(2)(c) of the 1967 Act, which reads as under:

“5. Applications for passports, travel documents, etc., and orders thereon

(2) On receipt of an application [under this section], the passport authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing, -

(c) refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.”

7. Now, the passport/travel document, etc. can be refused by the passport authority in terms of Section 6 of the 1967 Act, which reads as under:

“6. Refusal of passports, travel documents. etc.

(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and no other ground, namely: -

(a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;

(b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

(c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country,

(d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

(a) that the applicant is not a citizen of India.,

(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India.,

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order

prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.”

7.1 A perusal of Section 6 (2) would show that the passport authority may refuse to issue passport to an applicant on any one or more of the grounds mentioned in sub-section (2) of section 6 of 1967 Act and on no other ground. Evidently, in sub-section (2) of section 6 of 1967 Act, there is no mention as regards suppression or wrong information as regards '*marital status of an applicant*'.

8. That apart, as per Schedule III attached to the Passport Rules, 1980, the penalties for suppression of information under Section 12(1)(b) of the Passport Act, 1967 have been prescribed, which includes minor suppression of information regarding marital status/name of spouse etc. as under :-

Sl. No.	Nature of suppression of information	Amount (in Rs.) for Literate applicants	Amount (in Rs.) for Illiterate applicants
(i)	<i>In case the applicant's name has been endorsed on the parents' passport and the applicant is less than 18 years old and while applying for a separate passport, does not mention the fact that the name is endorsed in the parents' passport</i>	500	Nil
(ii) to (xiii)	xxx	xxx	xxx
(xiv)	<i>Minor suppressions of information regarding marital status/name of spouse, etc., inadvertently</i>	500	500
(xv)	xxx	xxx	xxx

8.1 A perusal of above extracted chart would show that inadvertent suppression of information regarding marital status/name of spouse etc. is considered as minor offence for which a penalty of Rs.500/- is leviable.

9. In case of “***Dr. Madas Venkat Goud vs. State of Andhra Pradesh, 2011 (6) RCR (Criminal) 2711***”, the court observed thus:-

“12. The words used in the said provision of law clearly indicate about false information or suppression of any information with a view to obtain a passport. Here is a case where it can definitely be said that the accused had furnished false information, since as on the date when he submitted an application for passport, he was married and completed his medicine and was prosecuting further studies in post graduation. In the application he furnished his educational qualification as "S.S.C. and Intermediate". In my considered view, the said false information or suppression of material information is not with a view to obtaining passport. Whether the educational qualification of the accused is intermediate or whether he is married or not, makes no difference for the passport authorities to issue passport.”

10. After examining the above referred provisions, I am of the considered view that the applicant for passport or anyone on his/her behalf is required to give/disclose correct information, as is sought in the passport application. However, where there is an inadvertent mistake or lapse on the part of the applicant or anyone on his/her behalf to disclose his/her correct marital status in the passport application or wrong name of the spouse has been mentioned in passport application due to some oversight, the same would not fall within the mischief of Section 10 (3) (b) of the 1967 Act; so as to call for any impounding/revocation of passport under Section 10 (3) (b) of the 1967 Act.

11. Now coming to the case in hand, concededly, the petitioner was earlier married to Siddharth Narula and they got divorced in the year,

2011. In the year-2015, the petitioner was holding passport bearing No.F1754413 and when she applied for renewal/reissuance of the passport through some travel agent, the column of spouse name was mistakenly filled as '*Siddharth Narula*'. Accordingly, the petitioner was issued a fresh passport No.M9280984 with spouse name '*Siddharth Narula*'. Thereafter, the petitioner got remarried to Sh. Neeraj Kumar in the year-2023 and on account of some matrimonial issue, Sh. Neeraj Kumar submitted a complaint against the petitioner to the passport authorities that she had obtained her passport by mentioning spouse name as '*Siddharth Narula*'. On that basis, the proceedings were initiated against the petitioner and the passport was revoked under Section 10(3)(b) of the 1967 Act. The reasoning rendered by the petitioner is that the name of Siddharth Narula was mentioned in the passport application by mistake as she had applied for renewal/reissuance of passport through an unknown travel agent.

12. In my considered view, in the peculiar facts and circumstances of this case, the aforesaid reasoning rendered by the petitioner is plausible; especially when there is no material on record that the petitioner has either misused or gained any undue benefit on account of mentioning name of the previous spouse in the passport application; more so, when her previous husband has also submitted a statement clarifying that the mention of his name in the 2015 passport of the petitioner, was only a bona fide oversight. He has categorically stated as under :-

1. *That I Dr. Siddharth Narula bearing Pan No. ADCPN0028L was earlier wedded to Dr. Navpreet Kaur, and we had mutually sought and obtained a divorce in the year 2011.*
2. *That due to an oversight, she applied for a passport in May,2015, bearing Passport No. M9280984.*
3. *That in the said passport, she had inadvertently, due to a bona fide oversight, mentioned my name as her husband.*

4. *That she has never misused this status at any point, nor has she sought any benefit from this oversight.*
5. *That I bear no grievance if this bona fide oversight is rectified, and I have no objection to her having stated my name as her spouse, although we were divorced earlier.*
6. *The above mentioned information is true and correct to the best of my knowledge and belief.*

12.1 That apart, even the Appellate authority has not negated the reasoning tendered by the petitioner; rather the Appellate authority has merely mentioned that since the petitioner's passport has been revoked by the Passport Officer, the same cannot be re-used for travel; therefore, there is no occasion to review the decision of the Passport Officer. In fact, the Appellate authority has observed that keeping in view the petitioner's occupational needs, she is granted liberty to apply afresh for the passport, which shall be processed by the Passport Officer on the basis of the documents submitted, subject to clear verification report, including any additional verification, if so required, by the Police or by other authorities regarding the authenticity of the documents.

13. Considering the totality of circumstances, I am of the view that the Regional Passport Office, Chandigarh as well as the Appellate Authority have erred in law and fact in exercising their jurisdiction by passing the impugned order dated 29.01.2025 (Annexure P-6) and order dated 27.03.2025 (Annexure P-9), respectively. Therefore, both the aforesaid orders i.e. order dated 29.01.2025 (Annexure P-6) and order dated 27.03.2025 (Annexure P-9), are set aside.

14. It is noticeable that the petitioner's passport No.M9280984 stands expired on 25.05.2025, accordingly, respondents are directed to issue

a new passport to her with correct particulars, which may be supplied by the petitioner to the concerned Passport authority.

14.1 Let the fresh passport be issued to the petitioner with correct particulars within a period of three weeks from the date the petitioner supplies the required particulars to the Passport authorities.

15. The instant writ petition stands disposed of, in the afore-stated terms.

16. All pending applications (if any) shall also stand closed.

August 25, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No