06.11.2026
Ct. No. 3
Sl. No. 02
Subadip
Vacation Bench

WPA 13870 of 2026

Mayank Saraf
VS
Joint Secretary & Chief Passport Officer, PSP Division
& Ors.

Mr. Dibyendu Nandi.
…for the petitioner

Ms. Rashmi Batwra (VC),
Mrs. Arushi Rathore.
…for Union of India

Mr. Prashanta Pathak,
Mr. Dipanjan Karmakar.
…for the respondent no.6

Mr. Prithu Dudhoria,
Mr. Amit Kumar Roy
…for the State

1. The petitioner is aggrieved by a decision dated 8th June, 2026 passed by the Deputy Passport Officer, Regional Passport Office, Kolkata, whereby the request for renewal of passport of the petitioner was rejected.

2. The brief facts set forth in the writ petition are as follows.

3. The biological father and mother of the petitioner were Mr. Kishan Kumar Saraf and Smt. Saroj Devi Saraf, respectively. The petitioner was born on 5th January, 1977. Subsequently, by a Deed of Adoption executed on 14th July, 1988, the petitioner was purportedly adopted by one Shankar

Lal Saraf (since deceased) and Smt. Madhu Devi Saraf. Based on the said Deed of adoption, the petitioner applied for a passport, wherein the names of his adoptive parents were recorded as Sri Shankar Lal Saraf and Smt. Madhu Devi Saraf. The subsequent passports were renewed in favour of the petitioner based on the information furnished on the basis of the Deed of Adoption dated 14th July, 1988. In 22nd July, 2025, the petitioner applied for renewal of his passport wherein the names of his biological parents were incorporated. The Deputy Passport Officer by his order dated 8th June, 2026 rejected the application of the petitioner for renewal and inter alia passed the following directions:

> *"It is observed that the records produced by you contain material inconsistencies regarding your parentae, including documents reflecting the names of both biological and adoptive parents at different points of time. It is further noted that passports issued/renewed earlier were obtained on the basis of particulars reflecting the adoptive parents.*
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> *In terms of the Hindu Adoptions and Maintenance Act, 1956, the legal status arising from an adiption and the validity or otherwise of an adoption deed in matters requiring adjudication by a competent civil court. This office is not empowered to determine disputed*

questions relating to the validity, effect or cancellation of an adoption.

Further, it is observed that the particulars in your earlier passport records were accepted and processed on the basis of the information furnished at the relevant time, reflecting your adoptive parentage. In view of the inconsistencies, this office is unable to accede to the request for alteration of parentage particulars in the passport records on the basis of the documents presently furnished.

However, it is informed that the reissue of passport may be processed in accordance with the particulars as reflected in the last valid passport issued, subject to alignment of all other relevant official records and documents with the particulars already recorded in the last valid passport to avoid further discrepancies in identity-related documentation."

4. Challenging the aforesaid decision, passed by the Deputy Passport Officer, the petitioner filed this writ petition.

5. The writ petition was taken up for consideration by a Coordinate Bench on 22nd

September, 2026 when the said Bench of this Court, inter alia, passed the following direction:

> *"The passport authorities have refused to re-issuance of the passport on the ground that initially when the petitioner has obtained the passport, the father's name of the petitioner was Shankar Lal Saraf being the adoptive father of the petitioner on the basis of the registered adoption deed. Now the petitioner intending to get the passport in his name by incorporating the name of the biological father namely Kishan Kumar Saraf instead of the adoptive father.*
>
> *Learned counsel for the petitioner submits that though there is a registered deed of adoption but no religious customs was performed for adoption of the petitioner at any point of time. Now, the adoptive father has expired. Since the birth, the petitioner is with the biological father and mother. The adoptive mother is also not having any objection if the passport is issued to the petitioner by incorporating the name of the biological father instead of the name of adoptive father.*
>
> *Though the adoptive father has passed but adoptive mother is to be given an opportunity of hearing before passing any order.*

Accordingly, the petitioner is directed to add the adoptive mother as party respondent in the present case as respondent no.6 in course of the day and to serve notice upon the adoptive mother and to file affidavit-of-service on the next date fixed."

6. The Coordinate Bench has categorically observed that though the registered deed of adoption was executed on 14th July, 1988, no religious customs for adoption was performed at any point of time. However, the Coordinate Bench of this Court directed the adoptive mother to affirm an affidavit in this regard indicating her stand. Smt. Madhu Devi Saraf, who is the adoptive mother, by an affidavit dated 1st October, 2026, inter alia, stated the following:

"3. In or about 1988, a deed of adoption was executed by the parents of the writ petitioner, Mayank Saraf, for adoption of the writ petitioner in favour of my husband and myself. It is pertinent to mention that the father of the writ petitioner, Kishan Kumar Saraf, is the brother of my husband, Shankar Lal Saraf, by relation.

4. Such deed of adoption was executed entirely as a family arrangement in view of the fact that we have no male child of our own. The purpose behind such adoption was only to

have a modicum of mental satisfaction and get relief from the agony of not having any make child of our own.

5. However, the writ petitioner, who was a child of about 11 years at that point of time, was never given to our family and he continued to reside with his biuological parents, Kisan Saraf and Saroj Devi Saraf. The writ petitioner was raised and bourght up entirely by his biological parents. The duties and responsibilities of brining up the writ petition never fell upon my family.

6. It is further mentioned that there were no religious or any other ceremony or custom performed or exercised to effect such adoption to us. The transplantation of the petitioner from the family of his biological parents to our family never happened. Neither was the fact of adoption publicly claimed by any person concerned.

7. The writ petitioner is only a member of our extended family and we continued to have a very cordial relation with each others' families. Neither did we to demand the custody of the writ petitioner did any such occasion arose for me as well as my husband to make such demand. It was understood in our mind that the deed of adoption was made only as a

measure of family arrangement for such purpose as indicated above.

8. My husband, Shankar Lal Saraf, has also died on and about 15.09.2005, happily and without any regret of not seeking the custody of the writ petitioner. despite the standard format of drafting contained in the deed of adoption of 1988, the custody of the writ petitioner or the responsibilities of his upbringing was never made over to me or my husband. The use of the name of my deceased husband as the father of the petitioner in earlier passport was an error and may be condoned."

7. The respondent nos. 1 to 3 filed an affidavit. However, the respondent nos. 1 to 3 have failed to indicate any impediment to renew the passport in favour of the petitioner particularly in view of the affidavit filed by the adoptive mother.

8. Having considered the materials on record and the rival submissions of the parties, this Court finds that in view of the affidavit affirmed by Smt. Madhu Devi Saraf, the adoptive mother there ought not to be any impediment on the part of the respondent authorities in renewing the passport of the petitioner. The submissions made by the learned counsel appearing for the respondents are misconceived. The plea taken in paragraph 13 of

their affidavit does not inspire confidence in this Court. This Court does not find any substance in the contentions raised by the respondents. Moreover, the issue cannot be kept pending for an indefinite period to the prejudice of the petitioner and the same ought to reach a logical conclusion.

9. In view of the above, the respondents are directed to renew or issue the passport of the petitioner on the basis the birth certificate annexed the writ petition at page 20 incorporating the names of the biological father and mother of the petitioner, namely Mr. Kishan Kumar Saraf and Smt. Saroj Devi Saraf within seven days from the date of communication of this order.

10. In view of the above, the writ petitioner being **WPA 13870 of 2026** stands **disposed of**.

(Arjun Ray Mukherjee, J.)