

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2251 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : YES
of the judgement?
 4. Whether this case involves a substantial question : YES
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : YES

SOHINA RAMJANALI HEMANI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR H.S.MULIA for Petitioner
MS PAURAMI SHETH FOR MR AKSHAY H MEHTA
Sr. Central Government Standing Counsel
for Respondent No. 1.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 30/03/2001

ORAL JUDGEMENT

Rule. Ms. Paurami Sheth for Sri Akshay H. Mehta, Sr. Central Govt. Standing Counsel appears and waives service of rule on behalf of the respondent. This petition has filed for a direction to the respondents to correct the date of birth of the petitioner entered in the passport as 5-5-1975 instead of 5-5-1976 in the passport which is going to expired on 8-10-2001.

2. The learned counsel for the petitioner submitted that due to inadvertence wrong date of birth of the petitioner has been mentioned in the passport which is to be expired on 8-10-2001. The petitioner has moved the application before the respondent authority for correction of his birth date as 5-5-1975 as mentioned in the Register of Births and Deaths & School Leaving Certificate, in the passport but the respondent authority has refused to entertain the same as it has no power or authority of law to make correction in the birth date of the petitioner unless and until some order is passed by the Court of Law.

3. In the facts and circumstances of this case, this application is required to be allowed and the respondent authority concerned is directed to consider and decide the application filed by the petitioner in accordance with law and make correction with regard to the date of birth of the petitioner as 5-5-1975 in place of 5-5-1976 in the passport and issue a new passport with correct date of birth as 5-5-1975 of the petitioner, within one month from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

4. With the above directions and observations, this petition is disposed of. Rule is made absolute.

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/JVSatwara/