
(2016) 05 P&H CK 0470
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 5911 of 2016

Ritika Wadhwa

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 12-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 4 PLR 318

Hon'ble Judges : Mr. Rakesh Kumar Jain, J.

Bench : Single Bench

Advocate : Mr. Sardavinder Goyal, Advocate, for the Petitioner; Mr. Vikas Thakur, Advocate, for Mr. Vivek Thakur, Advocate, for the Respondent No.1-UOI

Final Decision : Allowed

Judgement

Mr. Rakesh Kumar Jain, J.—The petitioner was born on 01.07.1990 to her natural parents, namely, Ramesh Kumar and Kamlesh. Ramesh Kumar died on 26.12.2014. Smt. Kamlesh gave the petitioner in adoption to Hari Chand Wadhwa and Smt. Kamlesh by way of unregistered adoption deed. The petitioner was only 6 years of age at the time of her adoption. The name of her adoptive father i.e. Hari Chand Wadhwa is recorded in her Senior School Certificate, Ration Card, Haryana Resident Certificate, Diploma Certificate issued by the Haryana State Board of Technical Education, Degree of Bachelor of Technology granted by Manav Rachna International University, Adhar Card, PAN Card and the Identity card issued by the Election Commission of India.

2. The petitioner applied for passport on 18.06.2015. She appeared before the concerned authority of Passport Seva Kendra, Akash Deep Complex, Gyan Singh Rarewalla Market, Ludhiana on 07.07.2015 where she was asked to approach the Regional Passport Office, Chandigarh because the Regional Passport Office deals with the adoption cases. The passport of the petitioner was not issued despite her best efforts and at last, she has filed the present petition.

3. It is needless to mention that the petitioner had already attained majority when she had applied for issuance of passport on 18.06.2015 because she was born on 01.07.1990.

4. Counsel for the petitioner has argued that once the petitioner has attained majority, even if she has been adopted, the circular dated 03.10.2001 issued by the Government of India, Ministry of External Affairs, is not applicable to her as it applies only to the minors and the children who are adopted from other State/area of jurisdiction other than that of the Passport Officer. In this regard, the petitioner has relied upon a Division Bench decision of the Bombay High Court in the case of *Mihir Ramesh Vora v. Union of India and another*, 2014(9) RCR(Civil) 433.

5. Although on the last date of hearing, counsel for the respondents had taken time to file the reply but no reply has been filed rather the prayer made in this petition has been contested on the strength of the circular dated 03.10.2001 alleging that the petitioner, being an adopted person, cannot be issued the passport without production of the registered adoption deed.

6. I have heard learned counsel for the parties and examined the available record with their able assistance.

7. There is no dispute that the petitioner was born on 01.07.1990 and was given in adoption by her mother to her adoptive parents on 26.01.1996. Thereafter, she is being recognised and recorded everywhere as the daughter of their adoptive parents and had applied for the passport on 18.06.2015 when she was already a major. The objection raised by the respondents on the basis of circular dated 03.10.2001 is totally misplaced, which has been fully interpreted in *Mihir Ramesh Vora's* case (*supra*) in which it has been held that the said circular applies to the adopted minors and to the children who are adopted from other State/area of jurisdiction other than that of the Passport Officer and is not applicable to the petitioner who is neither a minor nor adopted from the other State/area.

8. There is no reason to differ with the authoritative pronouncement in *Mihir Ramesh Vora's* case (*supra*) and hence, the present petition is hereby allowed and direction is issued to the respondents to consider application of the petitioner for issuance of passport without insisting upon the production of registered adoption deed and the needful shall be done within a period of 30 days from the date of receipt of certified copy of this order.