

AD-14
Ct No.09
24.07.2023
TN

WPA No. 16452 of 2023

Shivani Mishra
Vs.
The Union of India and others

Mr. Gunjan Sinha @ Kaushik Sinha

.... for the petitioner

Mr. Asok Kumar Chakraborti,
Ms. Susmita Saha Dutta

.... for the UOI

Ms. Tuli Sinha

.... for the respondent no.2

Learned counsel for the petitioner argues that the petitioner has already applied for a passport and has submitted necessary documents in that regard, including a birth certificate issued by the Ranchi Municipal Corporation, respondent no.3. It is submitted that despite having furnished all documents, the police authorities have not completed their verification, leading to the passport not yet been issued.

Learned counsel for the respondent no.2 submits a police report authored by the Officer-in-Charge of the Patuli Police Station, which states that, on June 13, 2023, it received information from the "SCO Office", Kolkata that the documents produced by the petitioner are insufficient of Citizenship. Hence,

she was requested to visit the SCO Office, Kolkata with all documents.

However, it transpires from the annexure at page-17, regarding Passport Verification Status, that the list of documents to be submitted at the Police Station for police verification only requires two of the documents, as stated therein, to be produced as citizenship proof.

Since the petitioner has already submitted more than two such documents, no further documents are required to be furnished by the petitioner with the police authorities. The vague reference to the “SCO Office” has not even been explained by learned counsel for the State-respondent.

The lookout of the Police is only to ascertain whether the documents produced by the petitioner are genuine. It also appears from the report of the Police, as rightly pointed out by learned counsel for the petitioner, that an e-mail has already been sent by the concerned police station to the Ranchi Municipal Corporation for verification of birth certificate of the petitioner.

Hence, it is for the respondent no. 2-authority to ascertain with immediacy as to the outcome of such e-mail, sent to the Ranchi Municipal Corporation, that is, the respondent no.3. The petitioner cannot suffer

indefinitely for such inaction on the part of the Police authorities.

Accordingly, WPA No. 16452 of 2023 is allowed, thereby directing the respondent no.2-authorities to immediately ascertain as to the outcome of the e-mail allegedly sent to the respondent no.3-authorities, with regard to the verification of the birth certificate produced by the petitioner.

The respondent no.3 shall also act on the communication of the server copy of this order to comply with the same and respond to the e-mail sent by the respondent no.2-authorities with regard to the birth certificate of the petitioner being allegedly issued by the respondent no.3-authorities.

It is made clear that a copy of the said birth certificate has also been annexed to the present writ petition (Annexure – P3 at page-16 thereof).

It will be open to the respondent no.3-authority also to consider the same, for the purpose of ascertaining the veracity of the same and intimate the outcome of the enquiry to the respondent no.2-authority.

The entire exercise shall be completed by the respondent nos. 2 and 3 within a fortnight from the date of communication of this order.

The petitioner shall communicate the order to the absentee respondent no.3 immediately to ensure compliance of the same.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)