

GAHC010044132025



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1287/2025

ZAKIR UDDIN CHOUDHURY
S/O- LATE ABDUL NOOR CHOUDHURY, R/O- VILL- NILBAGAN, P.O-
NILBAGAN, PS MURAJHAR, DIST- HOJAI, ASSAM, PIN- 782445.

VERSUS

THE UNION OF INDIA AND 2 ORS.
TO BE REPRESENTED BY THE SECRETARY, MINISTRY OF EXTERNAL
AFFAIRS, GOVERNMENT OF INDIA, NEW DELHI-110001.

2:THE CENTRAL PASSPORT ORGANISATION
REPRESENTED BY THE CENTRAL PASSPORT OFFICER
PSP DIVISION
MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA
PATIALA HOUSE
TILAK MARG
NEW DELHI-110001.

3:THE REGIONAL PASSPORT OFFICER
GUWAHATI
RANI BAGAN
BASISTHA ROAD
3RD BY-LANE
GUWAHATI
ASSAM- 781028

Advocate for the Petitioner : MR. M H LASKAR, MR M A BARBHUIYA, M. HOSSAIN, MR. S
ROY

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : – 19.03.2025

Heard Mr. M.H. Laskar, learned counsel for the petitioner and Mr. R.K. Devchoudhury, learned Deputy Solicitor General of India for the respondent nos. 1, 2 & 3.

2. The petitioner has approached this Court seeking inter-alia a direction to the respondent authorities to change his date of birth in his Passport bearing no. Y3257167, from 14.09.1961 to 10.08.1972, on the strength of a Birth Certificate issued by the Registrar of Birth & Death, M.G. [illegible] Hospital, Nilbagan, Hojai and other documents like AADHAAR card, PAN Card, and Transfer Certificate. On perusal of the Birth Certificate, annexed as Annexure-II at Page-11 of the writ petition, it is noticed that the date of issuance of the Birth Certificate is 08.09.2022.

3. Sub-section [3] of Section 13 of the Registration of Births and Deaths Act, 1969 has prescribed that any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an order made by a District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the birth or death has been taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed

4. Mr. Laskar, learned counsel for the petitioner was asked on 07.03.2025 to produce a copy of the Order passed by the Competent Authority under Section 13[3] under the Registration of Births and Deaths Act, 1969 on the next date of listing.

5. Today, Mr. Laskar has placed a Certificate no. 26082022-001-05035733 wherefrom it is noticed that the Office of the Deputy Commissioner, Hojai has processed Application no. SSDG/ED/PDBR/5024509 under Rule 9 of the Assam Registration of Births and Deaths Rules, 1999 to grant permission for delayed registration of birth in respect of the petitioner.

6. In view of the above facts and circumstances, this Court deems it fit to implead 'the District Commissioner, Hojai' as party-respondent no. 4 in this writ petition as his presence is necessary for deciding the issue involved in this writ petition. The registry is to do the needful for impleadment of the respondent no. 4.

7. Ms. M. Barman, learned Junior Government Advocate, Assam has entered appearance on behalf of the newly impleaded Party-Respondent no. 4, that is, the District Commissioner, Hojai.

8. Issue notice, returnable on 23.04.2025.

9. As Mr. Devchoudhury, learned Deputy Solicitor General of India has appeared and accepted notices for the respondent nos. 1, 2 & 3 and Ms. Barman, learned Junior Government Advocate, Assam has appeared and accepted notice on behalf of the newly impleaded Party-Respondent no. 4, formal notices need not be issued to the said respondents. Mr. Laskar, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Mr. Devchoudhury and Ms. Barman within 2 [two] working days from today.

10. Ms. Barman Shall obtain the original records of the proceedings including Application no. SSDG/ED/PDBR/5024509, leading to the issuance of the Birth Certificate of the petitioner with delay on the next date of listing for perusal of this Court.

11. The Certificate no. 26082022-001-05035733 placed by Mr. Laskar today is to be kept with the case record.

JUDGE

Comparing Assistant