

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-3329-2019 (O&M)
Date of Decision:06.02.2019**

Anil Dogra

... Petitioner

Versus

Union of India & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Anil Kumar Sharma, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant writ petition is directed against a show cause notice dated 17.08.2018 (Annexure P-4) issued to the petitioner by the Regional Passport Officer, Chandigarh under the Government of India, Ministry of External Affairs.

Counsel submits that the petitioner had applied for the passport facility and was issued a passport on 19.10.2016 which was valid for a period of one year i.e. upto 18.10.2017. At the time of applying for the passport, petitioner had clearly mentioned that FIR No.22, dated 22.02.1994, under Sections 406, 420, 465, 120-B IPC stood registered at Police Station Focal Point, Ludhiana. Upon expiry of the passport, petitioner in the month of June, 2018 applied for re-issuance of the passport and yet against revealing the factum of the pending criminal proceedings against him. On 18.07.2018, a passport bearing No.55916268 dated 18.07.2018 was issued with a validity period of 10 years upto 17.07.2028.

It is vehemently contended that the impugned show cause notice dated 17.08.2018 (Annexure P-4) has now been issued to him contemplating action of impounding the passport dated 18.07.2018 acting ostensibly on an adverse police verification report having been received. It is argued that the

petitioner himself at the stage of applying for the passport facility at the initial stage in the year 2016 and thereafter for re-issuance of the same in the year 2018 had not concealed any fact as regards registration of the FIR and pending criminal proceedings and inspite thereof, the contemplated action of impounding his passport has been initiated. Counsel urges that such action is not only arbitrary but is also perverse.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the petitioner ought to in the first instance respond to the show cause notice dated 17.08.2018 (Annexure P-4).

At this stage, counsel would submit that the petitioner has already submitted a reply by way of legal notice dated 14.11.2018 (Annexure P-5) but till date no final decision has been conveyed.

In view of the above, I deem it appropriate to dispose of the instant writ petition with a direction that in case a final decision pursuant to the the show cause notice dated 17.08.2018 (Annexure P-4) has not been taken till date, respondent No.2 i.e. the Regional Passport Authority/Officer, Sector 34, Chandigarh would examine the matter against the backdrop of the reply/legal notice dated 14.11.2018 (Annexure P-5) i.e. stated to have already been served and to take a final decision expeditiously and in any case within a period of eight weeks from the date of receipt of a certified copy of this order. Prior to taking a final decision, the petitioner would also be afforded an opportunity of personal hearing.

Disposed of.

06.02.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |