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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6009/2019**

KAMLESH SHAILENDRA PAREKH

..... Petitioner

Through: Mr Rajiv Nayar, Sr. Advocate with
Mr Rishi Agarwala, Mr Karan Luthra,
Mr Saurabh Seth and Mr Ankit
Banati, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Jasmeet Singh, CGSC with Mr
Srivats Kaushal, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.05.2019

CM Nos. 25956/2019 & 25957/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 6009/2019 & CM No.25955/2019

2. The petitioner has filed the present petition, *inter alia*, impugning a show cause notice dated 22.04.2019 issued by Consulate General of India, Dubai, calling upon the petitioner to show cause why his passport should not be impounded/revoked, under Section 10 of the Passport Act, 1967. The said show cause notice is set out below:-

**CONSULATE GENERAL OF INDIA
DUBAI**

No.Duba/Cons/405/11/2019

April 22, 2019

Subject: Show Cause Notice for impounding/revocation of Passport.

It is brought to the notice of Consulate General of India, Dubai that you are accused in connection with investigation of CBI: BS&FC, Kolkata Case No.RCBSK2016E005.

2. Govt. of India has instructed this Consulate to IMPOUND/REVOKE the passport no.Z4984316 issued to you by Consulate General of India.

3. You are hereby directed to submit your explanation why your passport should not be **impounded/revoked under section 10 of the Passports Act, 1967. You may submit your explanation within 15 days from the issuance of this letter.** In case no proper explanation is received within 15 days, your passport would be **impound/Revoked.**”

3. It is at once apparent that the said show cause notice is bereft of any details or any allegations on the basis of which the passport is proposed to be impounded/revoked. The show cause notice also does not mention the specific provision and of the Passport Act, 1967 under which the passport is sought to be impounded/revoked.

4. In *Gorkha Security Services v. Govt. (NCT of Delhi):(2014) 9 SCC 105*, the Supreme Court had observed as under:

“21. ...The fundamental purpose behind the serving of show-cause notice is to make the noticee understand the precise case set up against him which he has to meet. This would require the statement of imputations detailing out the alleged breaches and defaults he has committed, so that he gets an opportunity to rebut the same. Another

requirement, according to us, is the nature of action which is proposed to be taken for such a breach. That should also be stated so that the noticee is able to point out that proposed action is not warranted in the given case, even if the defaults/breaches complained of are not satisfactorily explained.”

5. It is trite law that a show cause notice is issued in order to enable the noticee to meet the case set up against him. It is apparent from the plain reading of the show cause notice that the same has been issued mechanically; without application of mind; and in complete ignorance of the principles of natural justice. Issuance of a show cause notice is not an empty formality but is a part of a meaningful exercise for ensuring an informed decision.

6. In view of the above, the petition is allowed to the extent that the show cause notice issued to the petitioner is set aside. The pending application is disposed of.

7. It is, however, clarified that this would not preclude the concerned parties from issuing a show cause notice, clearly indicating the reasons why the petitioner’s passport is sought to be impounded/revoked. The pending application is disposed of.

8. All contentions of the parties are reserved.

VIBHU BAKHRU, J

MAY 28, 2019/ MK