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2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.7652 of 2020

**Govind Pratap
Versus
The Union of India and others**

Mr. Dipanka Pal,
Ms. Sinthia Bala.
...for the petitioner.

Mr. Sutanu Chakraborty.
...for the respondents.

The petitioner has challenged the revocation of the petitioner's passport vide order dated October 23, 2018 by the Passport Authority.

Learned counsel for the petitioner submits that although the petitioner appeared in person to answer a show cause notice issued in that regard, the petitioner was handicapped due to loss of his original passport, a complaint regarding which was lodged on September 27, 2018 with the Hare Street Police Station. Learned counsel relies on annexure F at page 21 of the writ petition in support of such contention, which is apparently the copy of a complaint lodged by the petitioner in the police station as mentioned above.

Learned counsel submits that the original passport was subsequently replaced by reissuing a new passport, due to change of address sought by the petitioner. However, by the impugned order, the authorities revoked the new passport.

It is further submitted that the allegation levelled by the Passport Authorities against the petitioner are baseless and appropriate opportunity was not given to the petitioner to controvert such allegations. It is submitted that no document or other material whatsoever was furnished by the Passport Authorities to the petitioner to enable the petitioner to reply appropriately to the allegation.

Learned counsel for the petitioner relies on Section 10(3)(a) of the Passports Act, 1967 and submits that the Passport Authority may impound or revoke a passport or travel document if the Passport Authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof. There being no case made out by the Passport Authorities in that regard, the revocation ought to be annulled by this Court.

Learned counsel appearing for the respondent-authorities submits that the petitioner was given sufficient opportunity twice to produce his passport, but the petitioner failed to do so on both occasions. Moreover, there being serious allegations of

misuse of the petitioner's passport by some other Bangladeshi national, there was sufficient reason disclosed in the impugned order to revoke the passport.

It is evident from the materials on record that a show cause notice was issued by the Passport Authority to the petitioner on July 31, 2018, annexed at page 17 (Annexure 'C') of the writ petition. Two months thereafter, the petitioner grew wiser and lodged a complaint with the Hare Street Police Station on September 27, 2019 alleging that the original passport of the petitioner was lost. It is apparent from the impugned order that the petitioner was first heard on September 11, 2018 and sought thirty days' time to produce both his passports, which time was allowed. However, even subsequently the petitioner failed to produce such passports within the stipulated time as requested by him. Hence, there was no option for the Passport Authorities but to revoke the passport of the petitioner without giving further opportunities to the petitioner inordinately. That apart, the respective dates of the first hearing given to the petitioner, that is, September 11, 2018, and the date when the complaint of alleged loss was made by the petitioner, being September 27, 2018, are extremely conspicuous in the circumstances. There is no doubt, on the materials annexed to the writ petition, that the

petitioner, after avoiding the first opportunity of producing his passports on September 11, 2018 and asking for thirty days' time, approached the police exactly sixteen days after the first hearing and lodged a complaint; evidently to justify the contemplated non-production of the passport in the next hearing, scheduled after thirty days from September 11, 2018. In any event, no plausible explanation was given before the Passport Authority by the petitioner for non-production of the passport, apart from lame attempt of hinting at loss of the original passport. The argument as regards there being two passports, one 'old' and the other 'new', does not hold water since a mere change of address does not *ipso facto* mean that an entirely new passport was given to the petitioner, although the number of the passport issued later might differ from the original. That apart, such distinction, even if existent, is entirely irrelevant for the purpose of deciding the present dispute.

As far as Section 10 of the 1967 Act is concerned, sub-Section 3 has various clauses apart from clause (a), for example, clause (c), which contemplates revocation if the passport authority deems so necessary in the interest of the sovereignty and integrity of India and the security of India, particularly the relationship of India with any foreign country, or in the interest of the general public; clause

(f), which envisages contravention of the conditions of the passport and clause (g) which stipulates a revocation if the holder of the passport has failed to comply with the notice under Section 10(1) which are also attracted in the context of the present case. Any of such sub-clauses could have been invoked by the authorities, conferring power on the passport authority to revoke the passport of the petitioner.

In the above circumstances, there was no irregularity in the impugned order dated October 23, 2018 worth interference by the writ court. Accordingly, WPA 7652 of 2020 is dismissed. The petitioner shall pay costs of Rs. 20,000/- to the respondents-authorities through the learned advocate appearing for the respondents, for the mala fide attempt to give a false impression before the authorities and the Court as regards loss of the original passport, which has been set forth as a defence for not being able to answer the show cause notice of the authorities properly and to produce the two passports held by the petitioner before the authorities.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)