

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8511 OF 2022

Sanjeeb Ranjitekumar Das ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Aseem Naphade i/b. Mr.Mukund Pandya for the
Petitioner.

Smt. M. P. Thakur, AGP for Respondent No.1-State.

Mr. S. K. Halwasia a/w. M. A. Nasiri, Sr.P.C. for Respondent
Nos.2 to 4.

Mr.Hiten Venegavkar, Advocate for Respondent No.5

**CORAM: S.V. GANGAPURWALA &
 MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 30, 2022

P.C.

1. We have heard learned Counsel for the petitioner and
learned Counsel appearing for respondent Nos.2 to 4.

2. The show cause notice was issued to the petitioner as
to why the passport of the petitioner should not be
impounded. The petitioner filed reply. The passport of the
petitioner was impounded.

3. The petitioner filed writ petition bearing No.9289 of
2021 before this Court. This Court under order dated 2nd
May 2022 set aside the order and directed the appeal to be
decided by the respondent No.4 afresh within four weeks.

4. Subsequently, the notice of hearing was issued to the petitioner on 30th May 2022 asking the petitioner to communicate the convenient date for hearing. The petitioner communicated 1st June 2022 would be the convenient date. However, on 30th May 2022 itself, the Authority passed the impugned order whereby the appeal of the petitioner was dismissed.

5. We have heard learned Counsel for the petitioner and learned Counsel for respondent Nos. 2 to 4.

6. It appears that the impugned order is beyond the scope of the show cause notice. The show cause notice was issued to the petitioner as to why his passport should not be impounded under Section 10(3)(e) of the Passport Act, 1976, whereas the impugned order is passed under Section 10(2)(c) of the Passport Act, 1976.

7. The area of operation of both the provisions may be distinct, though it is submitted by the learned Counsel for the respondent Nos.2 to 4 that both the provisions overlap.

8. Considering that the petitioner was not given an opportunity and on a new ground the impugned order is passed, we pass the following order :

ORDER

- i) The impugned order dated 30th May 2022 shall be construed as show cause notice to the petitioner in addition to show cause notice issued earlier.
- ii) The petitioner may file his say considering the impugned order as show cause notice within a

period of seven days from today.

- iii) On receipt of the reply from the petitioner, the Authority shall grant the date of hearing to the petitioner preferably within ten days from the date of filing of reply and after hearing the petitioner, the Authority shall decide the proceedings regarding the impounding of passport of the petitioner afresh and pass the order within ten days from the date of hearing.
- iv) The writ petition is accordingly disposed. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

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signed by
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