

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.2768 of 2022

ORDER:

The petitioner herein seeks a writ of Mandamus declaring the proceedings vide File No.HYB072902481320 (reference No.IMP/311951423/21), dated 27.12.2021, of respondent No.2 impounding the passport No.U5649602 of the petitioner as violative of the principles of natural justice, equity, fair play and unconstitutional and for a consequential direction to the respondent No.2 to withdraw the said proceedings.

2. Heard both sides. Perused the record.

3. It is evident from the record that a show-cause notice, dated 23.12.2021, was issued to the petitioner directing him to surrender his original passport bearing No.U5649602 with the office of respondent No.2/nearest post and furnish his explanation with regard to the present status of the criminal case registered against him, along with supporting documents, within 21 days from the date of the said order, failing which, it will be presumed that the petitioner has nothing to explain in writing and necessary action will be initiated under the provisions of Passports Act, 1967. Without waiting for 21 days stipulated in the said show-cause notice, dated 23.12.2021, the respondent No.2 passed the impugned order on 27.12.2021, impounding the passport of the petitioner. It is also evident from the record that the petitioner was not allowed to submit his explanation to the show-cause notice, dated 23.12.2021, within

the time stipulated therein. Hence, the impugned order, dated 27.12.2021, of respondent No.2 is violative of principles of natural justice and contrary to law and as such, the same is liable to be set aside.

4. Accordingly, the impugned order, dated 27.12.2021, passed by respondent No.2 impounding the passport of the petitioner bearing No.U5649602, is hereby set aside. The petitioner is directed to give explanation to the show-cause notice, dated 23.12.2021, issued by respondent No.2, within a period of one (1) week from today. On submission of such explanation by the petitioner, the respondent No.2 is entitled to pass appropriate orders, in accordance with law.

5. With the above observations/directions, this writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

Dr. Shameem Akther, J

21st January, 2022
Bvv