

**MAT 140 of 2023
With
CAN 1 of 2023**

**Soheni Roy
Vs.
Union of India & Ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Uttam Chakraborty
Mr. Raju Bhattacharyya
Mr. Tanweer J. Mandal
... ... for the appellants

Mr. Nilotpall Chatterjee
Mr. Amrita Lal Chatterjee
... ... for the State

Mr. Sibasis Ghosh
... ... for the respondent no.10

Mr. Pious Chaturvedi
... ... for the respondent no.11

Mr. Jayanta Narayan Chatterjee
Mr. Bidhayak Lahiri
Ms. Moumita Pandit
Mr. Suprem Naskar
Ms. Bhaswati Lahiri
... ... for the respondent nos.12 & 13

Mr. Sukanto Chakraborty
... ... for the respondent nos.1 to 4,14 & 17

By this intra-court appeal appellant has challenged the order of the learned Single Judge dated 24th January, 2023 passed in WPA 1795 of 2023 whereby learned Single Judge has permitted the appellant (writ petitioner) to submit reply to the show-cause notice and also permitted the Regional Passport Officer, Kolkata to conclude the proceedings and in the

meanwhile restrain the appellant from leaving the country until further orders

The appellant was issued show-cause notice dated 12th October, 2022 by the passport authority making certain allegations relating to obtaining the Indian passport fraudulently and requiring the appellant the show-cause notice as to why the Indian passport be not revoked under Section 10(3)(a)(b) of the Indian Passports Act, 1967.

Challenging the said show-cause notice along with the other prayers the appellant had filed the writ petition. Learned counsel for the appellant has candidly stated before this Court that in the writ petition is confined to the main prayer challenging the show-cause notice.

Submission of learned counsel for the appellant is that the appellant, her husband and minor child aged about 18 months are the residents of Florida where the husband of the appellant is working and now on account of show-cause notice and the interim order of the learned Single Judge the appellant is held up in India with the minor child, whereas on account of commitment of service in Florida the husband of the appellant had to leave India. He submits that with the minor child the appellant is facing difficulty in India, therefore the issue should be decided at the earliest.

Learned counsel for the respondent passport authority has submitted that the reply to the show-cause notice is already filed and that there is no difficulty in concluding the proceedings in pursuance to the show-cause notice within 10 days from the date of appearance of the appellant.

At this stage, learned counsel for the appellant has also submitted that if the proceedings are concluded expeditiously the appellant will withdraw the writ petition.

We also find that learned Single Judge has not restrained the passport authority from proceeding with the matter pending the writ petition. In fact, passport authority by the impugned order has been permitted to proceed with the matter.

Having regard to the circumstances, which have been pointed out by learned counsel for the appellant, we are of the opinion that the proceedings should be concluded by the passport authority expeditiously.

Hence, we permit the appellant to appear before the concerned passport authority, which had issued the impugned show-cause notice, on 10th February, 2023 at 11.30 a.m. who, thereafter will take up the proceedings in pursuance to the show-cause notice and will conclude the same as expeditiously as possible, preferably within 10 days from the date of appearance.

The appellant will be at liberty to file additional reply before the authority on 10th February, 2023.

The appeal is accordingly disposed of.

Connected application is also disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)