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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 17880 of 2023

Sri Ujjal Saha
Vs.
Union of India & Ors.

Mr. Apurba Ghosh,
Ms. Annyesha Chakraborty
...for the petitioner

Mr. Souvik Nandy,
Mr. Pralay Bhattacharjee
...for the respondent nos. 1 to 5

Affidavit-of-service filed in Court today be kept
on record.

Learned counsel appearing for the petitioner
submits that the petitioner's passport was
impounded. Being thus aggrieved, the petitioner
took out a challenge under Section 11 of the
Passport Act, 1967 before the Chief Passport
Officer, CPV Division, Ministry of External Affairs.
However, till date, the same has not been decided.

The petitioner approached for information with
regard to the status of such challenge several times
under the Right to Information Act, 2005 but to no
avail.

Learned counsel appearing for the respondent-
authorities points out that the prayer made before
this Court at the time of hearing is different from

that made in the writ petition. That apart, it is submitted that the appeal under Section 11 of the Passport Act is to be filed before the concerned Ministry, that is, the Ministry of External Affairs, Union of India.

It is seen from the array of parties that the Union of India, through the Secretary, Ministry of External Affairs as well as the Chief Passport Officer, CPV Division, Ministry of External Affairs have been impleaded, respectively as respondent nos. 1 and 3 herein.

In view of the innocuous nature of the prayer made by the petitioner while moving the writ petition, the Court is of the opinion that the relief sought can be moulded by passing appropriate direction on the appropriate authorities.

Accordingly, W.P.A. No. 17880 of 2023 is disposed of by directing the respondent nos. 1 and 3 to ensure that the challenge preferred by the petitioner under Section 11 of the Passport Act, against the impoundment of the passport of the petitioner along with application for condonation of delay, is disposed of as expeditiously as possible, preferably within four weeks from date.

If necessary, the concerned respondents shall give an opportunity to the petitioner to represent

his case before the said authorities prior to the said decision being taken.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)