

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CWP-8136-2023

Date of Decision : 02.09.2023

Parminder Singh Kalota

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Rana Gurtej Singh, Advocate
for the petitioner.

Mr. Karan Kumar Jund, Central Govt. Counsel
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant writ petition under Articles 226/227 of the Constitution of India is seeking setting aside of show cause notice dated 26.09.2022 (Annexure P-5) and email dated 04.10.2022 (Annexure P-7).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was issued passport in 2014 which was valid upto 2024. The petitioner was not involved in any FIR at the time of issuance of passport. The respondent vide communication dated 26.09.2022 called upon the petitioner to explain as to why his passport should not be impounded on account of suppression of material information. The petitioner vide communication dated 29.09.2022 asked the respondents to disclose the basis of allegations. The respondents without supplying any adverse material and without granting opportunity of hearing vide impugned order

dated 04.10.2022 impounded passport of the petitioner.

3. On being asked, learned counsel for the respondents expressed his inability to controvert the fact that neither petitioner was confronted with adverse material nor he was granted opportunity of personal hearing prior to passing impugned order.

4. It is settled proposition of law that no order entailing even civil consequences can be passed unless and until aggrieved party is confronted with adverse material and granted opportunity of hearing.

4. In the wake of the fact that the impugned order has been passed without confronting petitioner with adverse material as well as granting opportunity of hearing, the present petition deserves to be allowed and accordingly allowed. The impugned order dated 04.10.2022 (Annexure P-7) is hereby quashed. The respondents are at liberty to pass fresh order after supplying adverse material to the petitioner and granting opportunity of hearing.

5. Mr. Jund submits that the petitioner may be directed to supply his email ID as well as address so that communication may be made.

6. Learned counsel for the petitioner undertakes to furnish email ID as well as address of the petitioner during the course of the day to learned counsel for the respondents.

(JAGMOHAN BANSAL)
JUDGE

02.09.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>