

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

CWP-8683-2023

Date of Decision:06.07.2023

AMARJIT KAUR

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. J.S. Mundi, Advocate for the petitioner.

Mr. K.K. Jund, Advocate for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondents to release impounded passport of son of the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that son of the petitioner is residing out of country i.e. New Zealand. His passport was valid up to 22.05.2023. The respondent No.2 has impounded passport of son of the petitioner. An FIR has been registered against son of the petitioner and he has to come to India to join investigation. On account of impounding of passport, the son of the petitioner cannot come to India and join investigation. The son of the petitioner needs passport just to come to India. The respondent without redressing grievance of son of the petitioner has impounded his passport.

3. Mr. K.K. Jund, learned counsel for the respondents fairly concedes that respondent No.2 has not passed a speaking order as required under Section 10 of Passport Act, 1967. He further submits that Passport Authorities would pass speaking order after granting an

opportunity of hearing to the petitioner.

4. A Constitution Bench of the Hon’ble Supreme Court, more than four decades back, in *Maneka Gandhi Versus Union of India; 1978 (1) SCC 248* recognized right to get passport and travel abroad as part of fundamental right guaranteed by Article 21 of the Constitution of India. The Hon’ble Supreme Court had also directed the authorities to grant opportunity of personal hearing before passing an order. The right of opportunity of hearing is not only part of principles of natural justice but also part of fundamental right of life and liberty guaranteed by Article 21 of the Constitution of India.

5. In view of the statement of learned counsel for the respondents, the petition stands disposed of with a direction to the respondent-authorities to pass a speaking order after granting an opportunity of hearing to the petitioner. The needful shall be done within 4 weeks from today.

(JAGMOHAN BANSAL)
JUDGE

06.07.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>