

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

211

CWP-10376-2023

Date of Decision: 23.08.2023

Avneet Kaur Sehgal

...Petitioner

Versus

Union of India and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Bhriugu Dutt Sharma, Advocate for the petitioner

Mr. Arvind Seth, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.01.2021 (Annexure P-5) passed by respondent No.2 whereby passport of the petitioner has been revoked.

2. Mr. Bhriugu Dutt Sharma, learned counsel for the petitioner *inter alia* contends that respondent No.2 vide impugned order dated 05.01.2021 (Annexure P-5) has revoked passport of the petitioner. The said order has been passed without granting an appropriate opportunity of hearing which is evident from the fact that show notice was issued on 05.01.2021 and impugned order also came to be passed on the same day. The violation of principles of natural justice is writ large.

3. On being confronted with the aforesaid fact, Mr. Arvind Seth, learned counsel for the respondents expressed his inability to controvert the fact that impugned order has been passed without granting

further submits that subsequent application of the petitioner was rejected on account of adverse report received from the Ministry of External Affairs.

4. It is settled proposition of law that no adverse order entailing civil consequences can be passed without confronting aggrieved party with an adverse material as well as granting opportunity of hearing.

5. In the case in hand, the impugned order has been passed without confronting the petitioner with adverse material as well as without granting opportunity of hearing, thus, this Court is of the considered opinion that impugned order dated 05.01.2021 deserves to be quashed and accordingly quashed.

6. Respondent No.2 is directed to pass a fresh order within 6 weeks from today after granting opportunity of hearing to the petitioner as well as supplying adverse material, if any.

7. The petitioner, at the first instance, would appear before respondent No.2 on 11.09.2023 at 11:00 AM and thereafter, as directed by the competent authority.

8. It is hereby made clear that if an adverse report is a classified document, respondent No.2 would be at liberty to take decision, in accordance with law.

(JAGMOHAN BANSAL)
JUDGE

23.08.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>