

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

106

CWP-11150-2023

Date of Decision: 05.07.2023

Guljari Lal Saini

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Navjinder S. Sidhu, Advocate for the petitioner

Mr. Ankur Sharma, Advocate (Senior Panel Counsel)
for the Union of India-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 communication dated 01.09.2022 (Annexure P-4) whereby passport of the petitioner has been impounded.

2. Learned counsel for the petitioner *inter alia* submits that respondent No.2 has impounded passport of the petitioner without passing speaking order as well as granting opportunity of personal hearing to put forth his stand.

3. Mr. Ankur Sharma, 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.

Despite repeated orders of the Hon'ble Supreme Court and different High Courts, the respondent-authorities are mechanically withholding or revoking passports of the citizens of the country which deserves to be deprecated. The respondent-authorities are duty bound to pass a speaking/reasoned order after granting an opportunity of hearing before withholding/denying/revoking passport until and unless there are emergent and unavoidable circumstances.

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 6 weeks from today.

(JAGMOHAN BANSAL)
JUDGE

05.07.2023
Mohit Kumar

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