

**In the High Court of Punjab and Haryana at Chandigarh
106**

**CWP No. 16374 of 2023
Date of Decision: 16.08.2023**

Harpal Kaur Dhanesar

---Petitioner

versus

Union of India and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sunny Kumar Singla, Advocate
for the petitioner

Mr. Karan Kumar Jund, Central Government Counsel
for Union of India

Mr. Deepanjay Sharma D.A.G, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 01.06.2023 (Annexure P/4) whereby passport of the petitioner has been impounded.
2. Learned counsel for the petitioner inter alia contends that an FIR was registered against the petitioner on 15.07.2015. The police twice has already filed cancellation report, however, on account of death of the complainant, the matter is lying standstill. The Trial Court has neither accepted the cancellation report nor taken any cognizance of the offence. The case of the petitioner is neither covered by Clause (e) nor Clause (f) of Section 6 of Passport Act, 1967.
3. In reply to question of alternative remedy raised by Mr. Karan Kumar Jund, counsel for Union of India, Mr. Singla

submits that impugned order has not only been passed against the provisions of the Passport Act but also in gross violation of principles of natural justice. The petitioner was never called upon to put forth her stand, thus, impugned order is required to be set aside on the sole ground of violation of principles of natural justice.

4. Mr. Karan Kumar Jund, counsel for Union of India on being confronted with judgment of this Court in **Mohan Lal @ Mohna vs. Union of India and others, CWP No. 27167 of 2018** submits that if impugned order is set aside, the competent authority would look into the matter and pass a fresh order in accordance with law.

5. In the wake of statements of both sides and considering the fact that impugned order was passed without granting opportunity of hearing to the petitioner, police has already filed cancellation report and complainant has passed away, the petition is allowed and the impugned order is set aside with a direction to the petitioner to appear before Passport Authority on 06.09.2023 with the requisite documents. On doing so, the Passport Authority would look into grievance of the petitioner and pass an appropriate order in view of the afore-stated judgment of this Court.

**(JAGMOHAN BANSAL)
JUDGE**

16.08.2023
paramjit

Whether speaking/reasoned : Yes
Whether reportable : Yes/No