

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

102

2023:PHHC:125521

CWP-18263-2023

Date of Decision:25.09.2023

Raj Kumar

....Petitioner

VS.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amandeep Saini, Advocate
for the petitioner
Ms. Neha Sharma, Central Govt. Counsel
for the Union of India

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 16.08.2021 (Annexure P-4) and order/E-mail dated 02.05.2022 (Annexure P-7) whereby passport of the petitioner was impounded and he has been granted liberty to file a fresh application.

2. The petitioner online applied for renewal of his passport and passport authority issued passport on 20.07.2021. By notice dated 16.08.2021, the petitioner was called upon to provide explanation with respect to pending FIR and to show cause as to why proceedings under Section 12 of the Passport Act should not be initiated against him. The passport came to be impounded vide order dated 02.05.2022.

3. Learned counsel for the petitioner submits that petitioner vide letter dated 20.11.2021 filed reply to show cause notice, however, passport

authority without considering reply has passed the impugned order. The petitioner has not further been granted opportunity of hearing, thus, the order has been passed in violation of principles of natural justice. The petitioner is working with Marchant Navy and passport is an indispensable document for the petitioner. The act of respondent amounts to violation of fundamental rights as well as principles of natural justice.

4. Learned counsel for the respondent submit that petitioner has been granted liberty to file a fresh application disclosing particulars of earlier applications and pending FIR. If the petitioner files fresh application, it would be considered in accordance with instructions issued by Central Government as well as judgment of this Court in **Mohan Lal @ Mohna vs. Union of India and others 2023 SCC Online P&H 1391**.

5. Faced with this, counsel for the petitioner seeks permission to withdraw the instant petition with liberty to file a fresh application.

6. In the wake of statements of both sides, the petition stands disposed of with liberty to petitioner to file a fresh application. On doing so, the passport authority without being influenced with its earlier order dated 02.05.2022, decide application of the petitioner considering the instructions issued by Central Government as well as afore-stated judgment of this Court. Needful shall be done within six weeks from the date of filing a fresh application.

25.09.2023
paramjit

(JAGMOHAN BANSAL)
JUDGE

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