

29.08.2024  
Ct. No. 14  
Sl. No.16  
KB

**In The High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 8241 of 2021**

**Amina Biswas  
-versus-  
Union of India & Ors.**

Mr. Md. Sarwar Jahan  
Mr. Amanul Islam  
Mr. Sourav Mukherjee  
Mrs. Tapati Sarkar  
... For the petitioner.

Mr. Sanajit Ghosh  
Ms. Mary Dutta  
... For the Union of India.

The petitioner is aggrieved by the order dated 19<sup>th</sup> September, 2019 passed by the Deputy Passport Officer, Regional Passport Office, Kolkata by revoking the passport of the petitioner and imposing penalty of Rs.1,00,000/- (Rupees One Lac) only.

It appears from the impugned order that the same was passed ex parte as the show cause notice which was sought to be served upon the petitioner returned undelivered with the remark 'not known'.

The petitioner submits that an opportunity of hearing may be given to the petitioner for production of all documents in her support.

Learned advocate representing the respondent authorities relies upon the confessional statement

made by the petitioner in front of two witnesses on 29<sup>th</sup> April, 2019 when her passport was seized.

It appears from the documents placed before this Court that the respondent authority intended to offer an opportunity of hearing to the petitioner which the petitioner could not avail of. The impugned order has been passed with the observation that as there has been no response from the end of the petitioner within the stipulated time and the police report confirmed that the applicant could not provide documents in support of her Indian citizenship.

The aforesaid observation of the Deputy Passport Officer in deciding the matter *ex parte* is a sheer violation of the principle of natural justice. The said officer ought to have given a further opportunity to the petitioner to produce documents in support of her case to disprove the allegation leveled against her. Only if the petitioner fails to satisfy her citizenship, the respondent authority can proceed in accordance with law.

Penalizing the petitioner without granting any opportunity to place documents in support of her stand is contrary to the provisions of the Passports Act, 1967.

In view of the above, the impugned order of revocation of passport and imposing penalty is set aside.

The Deputy Passport Officer is directed to grant a further opportunity of hearing to the petitioner. Let a notice be served upon the petitioner at the address mentioned in the cause title of the writ petition.

A reasoned order shall be passed and communicated to the petitioner. Steps shall be taken in the matter at the earliest but positively within a period of six weeks from the date of communication of this order.

It is made clear that this Court has not entered into the merits of the submission made by either of the parties and it will be open for the respondent authority to take a decision in the matter relying upon the documents and evidences placed by the petitioner at the time of hearing.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**