

D/L. 24.
May 14, 2024.
MNS.

WPA No. 13197 of 2024

Arpita Majumdar
Vs.
Union of India and others

Mr. Farooque Ali,
Mr. Faijan Md. Safar,
Md. Arham Reja,
Mr. Afsar Ali

... for the petitioner.

Mr. K. J. Tewari

...for the Union of India.

1. Learned counsel for the petitioner contends that by the impugned order dated June 4, 2020, the passport of the petitioner was impounded.
2. Since the petitioner, despite opportunity and having been given a show cause notice, could not appear, the order was passed *ex parte*.
3. The petitioner seeks a fresh opportunity to contest the impoundment procedure.
4. Learned counsel for the respondent authorities points out that the order was passed on June 4, 2020 and the writ petition has been filed only in the year 2024.

5. Moreover, it is submitted that under Section 11 of the Passports Act, 1967 (1967 Act), there is a provision of appeal available to the petitioner against the impoundment order. In view of availability of efficacious alternative remedy, the writ petition should be dismissed.
6. On a *prima facie* reading of the writ petition and its annexures, it is evident that the petitioner took almost four years to prefer the instant challenge against the order of impoundment of petitioner's passport, without any rhyme or reason for such delay being disclosed in the writ petition.
7. Be that as it may, the respondents are justified in arguing that in view of availability of efficacious alternative remedy of an appeal under Section 11 of the 1967 Act, to which the provisions of Section 5 of the Limitation Act are applicable, a writ court is not the appropriate forum to redress the petitioner's grievance.
8. Accordingly, WPA No. 13197 of 2024 is disposed of by granting liberty to the petitioner to approach the appellate authority under Section 11 of the 1967 Act with the prayer for condonation of delay in filing the same.

9. If so approached, the appellate authority shall decide the condonation application first and thereafter, if satisfied, the appeal without being prejudiced in any manner by the present disposal.

10. There will be no order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)