

September 23, 2024
Sl. No.A 71
Court No.9
s.biswas

WPA 18669 of 2024

Bapi Mondal
vs.
The Union of India and others

Mr. Sanjib Dutta

... for the petitioner

Mr. Asok Kumar Chakraborty, ASGI

Mr. Kumarjyoti Tewari

... for the respondent nos.1 to 3

1. The writ petition has been filed challenging an order of revocation of passport as also the second show cause notice dated April 26, 2024, asking the petitioner to show cause as to why the passport should not be impounded/revoked under Section 10(3)(e) of the Passport Act, 1967.
2. The petitioner submits that the passport was revoked once by the Deputy Passport Office acting on behalf of the Regional Passport Office, Kolkata and thereafter another show cause notice was issued by the Regional Passport Office, Kolkata asking the petitioner to show cause as to why steps should not be taken to either impound or revoke the passport under Section 10(3)(e) of the Passport Act. The petitioner interprets such show cause notice as a withdrawal and cancellation of the earlier order of revocation dated February 13, 2024 and submits that the authority should be directed to decide the matter afresh, on the basis

of the reply submitted by the petitioner on May 13, 2024. The petitioner relies on a decision of this court dated January 15, 2024.

3. Learned Additional Solicitor General submits that the petitioner should be relegated to the appellate authority under Section 11 of the Passport Act. It is further submitted that the notice dated April 26, 2024 may have been inadvertently issued.
4. By an order dated January 15, 2024, a co-ordinate Bench had directed the Regional Transport Officer, Kolkata to give an opportunity of hearing to the petitioner and take a decision with regard to the proposal to revoke/impound the passport of the petitioner. This court finds that after the order of revocation was passed by the Deputy Passport Office, a second show cause notice was issued. This was probably done as His Lordship directed the Regional Passport Officer to hear the matter and pass orders.
5. Under such circumstances, the writ petition is disposed of with a direction upon the Regional Passport Office, Kolkata to dispose of the show cause and the reply to the show cause filed by the petitioner upon giving one last opportunity to the petitioner to make his submissions. Thereafter necessary orders will be passed.

6. It is made clear that the authority shall decide the matter independently and the fate of the earlier order shall abide by the result of the final decision to be taken by the Regional Passport Officer pursuant to this order.
7. This court has not made any observations on the merits. If the petitioner is aggrieved by the order that shall be passed in compliance of this order, the petitioner will be at liberty to prefer an appeal in accordance with law. As no affidavits are called for, the allegations against the respondents are deemed to be denied.
8. Accordingly, the writ petition is disposed of.
9. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)