

5th January,
2024
(AK)
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W.P.A 24424 of 2023

Oindrila Giri nee Poddar
Vs.
Union of India and others

Mr. Somopriyo Chowdhury
Mr. Satadru Lahiri
Mr. Musharrof Hussain
Mr. Safdar Azam

...for the petitioner.

Mr. Asok Kumar Chakraborty, Ld. ASG
Mr. Kumar Jyoti Tewari

...for the respondents.

1. The petitioner's passport has been impounded, against which a challenge has been preferred by way of an appeal under the appropriate provisions of the Passports Act.
2. Learned counsel for the petitioner places reliance on several annexures to the writ petition to indicate that the said impoundment was on a palpably erroneous basis, since the petitioner is an Indian National whereas the passport authorities seek to portray that the petitioner is a Bangladeshi National.
3. It is argued that initially the petitioner obtained a passport. Subsequently she travel to Japan and was employed there and married an Indian in Japan.
4. Subsequently upon the petitioner's passport being lost, a re-issuance was made to the petitioner for the period 2016 till 2026.

5. Thereafter upon a change in the maiden name of the petitioner being entered in the passport, a fresh re-issuance of passport was done for the period from 2020 to 2030.

6. Thus, it is argued that since the passport authorities themselves, after appropriate verification, have issued and reissued the passport in favour of the petitioner time and again, the said authorities cannot now resile from such position and contend that the petitioner is a Bangladeshi citizen.

7. However, learned ASG appearing for the Union of India and the respondents submits that since an appeal is already pending, it would be appropriate for this court not to interfere in the matter.

8. Although the petitioner has taken objections as to the jurisdiction of the authority impounding the passport of the petitioner, since it is alleged that the Japanese Consulate and not the passport authority under Section 10 of the Passport Act have made such impoundment, it is always open to the petitioner to canvass such jurisdictional issues as well in the appeal already preferred by the petitioner.

9. Since the appeal preferred by the petitioner was prior on point of time than the present writ petition, it would only be appropriate if the said appeal is decided on all issues, including the points taken by the petitioner

herein such as lack of jurisdiction and violation of principles of natural justice.

9. Accordingly, WPA 24424 of 2023 is disposed of by directing the respondent no.2, the appellate authority to decide the pending appeal of the petitioner against the impoundment of the petitioner's passport be decided as expeditiously as possible, positively within February 15, 2024.

10. The parties shall act on a server copy of this order, without insisting upon prior production of a certified copy for the purpose of compliance.

11. It is made clear that the merits of the challenge taken out before the appellate authority have not been gone into by this court.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)