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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5262-2024
Date of Decision:05.03.2024

JASMEET KAUR
..... Petitioner

Versus

UNION OF INDIA AND OTHERS
..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Bhagyashri Setia, Advocate for the petitioner.

Ms. Sehej Sandhawalia, Central Govt. Counsel
for the respondents-UIO.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of show cause notice dated 08.08.2018 (Annexure P-5) and order dated 13.08.2018 (Annexure P-9) whereby passport of the petitioner has been suspended.
2. The petitioner was issued passport which was valid till 22.09.2023. The respondent issued show cause notice dated 08.08.2018 (Annexure P-5) directing the petitioner to appear in the office of Passport Authority alongwith her passport. A period of 7 days from the date of receipt of letter was granted. The respondent by order dated 13.08.2018 (Annexure P-9) suspended passport of the petitioner on the ground that no response has been received from the petitioner.
3. Ms. Bhagyashri Setia, Advocate submits that by impugned show cause notice, the petitioner was directed to appear alongwith passport within 7 days from the date of receipt of notice and impugned order came to be passed even before the expiry of said period. The order is totally non-speaking.
4. Notice of motion.
5. Ms. Sehej Sandhawalia, Central Govt. Counsel accepts notice

on behalf of the respondent-UOI.

6. With the consent of both sides, the matter is taken up for final disposal.
7. Learned counsel for the respondent-UOI expressed her inability to controvert the fact that impugned order is not only non-speaking but also has been passed even before the expiry of period granted in the impugned notice.
8. From the perusal of impugned order, it is evident that respondent has passed said order in haste. The show cause notice was issued on 08.08.2018 and period of 7 days was granted to appear before the Passport Authority whereas order came to be passed on 13.08.2018. No opportunity of hearing has been granted and order is non-speaking.
9. It is settled proposition of law that every authority even while passing administrative order which entails civil or criminal consequences is bound to grant opportunity of hearing and comply with principles of natural justice. As the impugned order has been passed in gross violation of principles of natural justice, it deserves to be set aside and accordingly set aside. The petitioner is directed to appear before Passport Authority on 01.04.2024 alongwith reply and requisite documents. The Passport Authority shall pass fresh order after considering submissions of the petitioner. The needful shall be done within a period of 4 weeks from the date of appearance of the petitioner.

(JAGMOHAN BANSAL)

JUDGE

05.03.2024

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No