

107 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-10119-2026 (O/M)  
Date of decision : 06.04.2026

Gurmail Singh

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Ms. Jigyasa Kharbanda, Advocate  
for the petitioner.

Ms. Archana Vashisht, Central Government Counsel  
for respondents No. 1 and 2.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside Show Cause Notice dated 27.10.2025 (Annexure P-2), issued by Regional Passport Officer, Amritsar (respondent No. 2) seeking clarification from petitioner for suppressing material information regarding pending criminal case in his passport application.

2. Learned counsel for petitioner has reiterated the averments made in the instant civil writ petition.

3. Heard.

4. Evidently, the instant civil writ petition has been filed against show cause notice dated 27.10.2025 (Annexure P-2). It is well settled

that the writ petition challenging a show cause notice is not maintainable unless show cause notice has been issued by authority concerned, which lacks jurisdiction.

4.1 In this regard, reference can be made to judgment rendered by Hon'ble the Supreme Court in the case of "***Executive Engineer Bihar State Housing Board v. Ramesh Kumar Singh and others***", (1996) 1 SCC 327, wherein it was held that for entertaining a writ petition under Article 226 of Constitution of India against a show-cause notice, it should be shown that the authority had no power or jurisdiction to enter upon the enquiry in question. In all other cases, it is only appropriate that the party should avail of the alternate remedy and show cause against the same before the authority concerned and take up the objection regarding jurisdiction also, then in the event of an adverse decision, it will certainly be open to him to assail the same either in appeal or revision, as the case may be, or in appropriate cases, by invoking the jurisdiction under Article 226 of Constitution of India.

4.2 Further, in "***Special Director and Anr. v. Mohd. Ghulam Ghouse and Anr.***", (2004) 3 SCC 440, Hon'ble the Supreme Court while considering the question of maintainability to the writ petition under Article 226 of the Constitution of India against the show-cause notice held that writ petition against the show-cause notice issued by Statutory functionaries for violation of the provisions of relevant Acts (in that case FERA and FEMA), is not maintainable unless the Court is satisfied of the nullity of the show-cause notice for want of jurisdiction of the authority concerned to even investigate the facts. The writ petition challenging the

show-cause notice should not be entertained as a matter of routine. The writ petitioner should rather be directed to respond to the notice. Whether the notice was founded on any legal premises is a jurisdictional issue and can be initially adjudicated by the authority issuing the notice.

4.3 Still further, in **“Union of India and another Versus Kunisetty Satyanarayana”, 2007 AIR SCW 607**, Hon'ble the Supreme Court held as under:-

*"Ordinarily, no writ lies against a charge sheet or show-cause notice. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said, to have any grievance. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal."*

5. In view of the above, the instant civil writ petition is dismissed; however, leaving it open to the petitioner to respond to show

cause notice (Annexure P-2), issued by respondent No. 2 and vindicate his stand.

6. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)  
JUDGE

06.04.2026  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No