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W.P.No.29700 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.29700 of 2022

Ranjith

... Petitioner

Versus

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirppalli – 620018.

2. The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to issue a passport to the petitioner, by considering his Application No.TR01C5069721522 within the time limit to be stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For R1 : Mrs.M.E.Saraswathy
Senior Panel Counsel

For R2 : Mrs.P.Rajarajeswari
Government Advocate



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The Writ Petition has been filed in the nature of a Writ of Madamus seeking a direction to the 1st respondent to issue passport to the petitioner by considering Application No.TR01C5069721522.

2. Heard arguments advanced by Mr.M.Vijayaragavan, learned counsel for the petitioner and Mrs.M.E.Saraswathy, learned Senior Panel Counsel for the 1st respondent and Mrs.P.Rajarajeswari, learned Government Advocate for the 2nd respondent.

3. The petitioner herein had studied Diploma Engineering (DEEE) and had applied for passport by the aforementioned application on 08.09.2022.

4. It was found that a First Information Report had been registered against the petitioner by the 2nd respondent/the Inspector of Police, Anaikaranchatram Police Station at Mayiladuthurai District in Crime No.446/2020 under Sections 379, 430 of IPC and also under Section 21(i) of the Mines and Minerals (Development and Regulation) Act, 1957. It is very specifically stated that as on date, charge sheet has not been filed.

5. It is trite in law to point out that mere registration of a First Information Report cannot be a ground to deny the issuance of a passport.



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The First Information Report is only an information given and unless, the individual named as an accused, is convicted by a Court of law, he is presumed to be innocent. So long as that strong presumption prevails, every citizen has a right to obtain a Indian Passport.

6. The petitioner is a citizen of India. Therefore, the refusal of the 1st respondent to issue passport has to be interfered with. A direction is given to the 1st respondent to issue necessary passport to the petitioner and if they require, they may get an undertaking from the petitioner relating to the said registration of the criminal case.

7. The Writ Petition stands allowed with the above direction. The said direction is to be complied with, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

10.01.2023

ssi

Index : Yes/No

Internet : Yes/No

To:

<https://www.mhc.tn.gov.in/judis>

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