



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5596 of 2023

Nandha @ Nandagopal

... Petitioner

Vs.

1.The Union of India,
Represented by the Principal Secretary,
Ministry of External Affairs,
Union of India E Block,
Central Secretariat,
New Delhi.

2.The Union of India,
Represented by the Principal Secretary,
Ministry of Overseas Indian Affairs,
Jaisalmer House,
Mansingh Road,
New Delhi.

3.The Regional Passport Officer /
O/o. Regional Passport office Madurai,
Bharathi Ula veethi,
Race Course Road,
Madurai - 625 002.

4.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to consider the petitioner's application, dated 24.08.2022 in file number MD1074522426122, for renewal of the petitioner's passport bearing number J3344439, in accordance to law and within the time fixed by this Court.



WEB COPY

For Petitioner : Mr.T.Sivananthan
For R1 to R3 : Mr.K.Govindarajan
For R4 : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

This writ petition had been filed in the nature of Writ of Mandamus seeking a direction to the third respondent / Regional Passport office, Madurai, to consider an application dated 24.08.2022 in file No. MD1074522426122, and renew the passport of the petitioner bearing No.J3344439.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner's passport bearing No.J3344439, was earlier renewed on 03.09.2010 and it expired on 02.09.2020. The petitioner had also changed his name and thereafter had given an application for renewal of the passport on 24.08.2022 in file No.MD1074522426122. Thereafter, a FIR in Crime No.825/21 had been registered against the petitioner herein for offences under Section 279 and 337 of IPC.

3. A counter affidavit had been filed on behalf of the fourth respondent / The Inspector of Police, Aravakurichi Police Station, Karur District, wherein it was stated that consequent to investigation, final report had been filed before the learned Judicial Magistrate, Aravakurichi, on 27.09.2022 which has been taken cognizance as **(*)C.C.No.80 of 2022.**

4. In view of these facts, the third respondent may issue notice to the petitioner herein for his appearance and on appearance, the petitioner may be directed to give necessary undertaking that he would appear before the trial Court on all hearing dates and would not abscond even if the passport is renewed. If he intended to go abroad, he may go abroad only after obtaining permission from the learned Judicial Magistrate, Aravakurichi. It is to be stated that any person whose name is found in the FIR, cannot be categorized as a convicted accused since, presumption of innocence runs strong in criminal jurisprudence.

5.The third respondent is directed, if the petitioner is otherwise eligible, to renew the petitioner's passport. The entire exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.



6. This writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

**(*)Corrected as per the order of this
court dated 19.06.2023 made in WP(MD).
5596/2023.**

Sd/-

Assistant Registrar(CS III)

// True Copy //

02/06/2023

Sub Assistant Registrar(CO)

pnn

To

**To be substituted to the order which is already despatched on
04.05.2023**

- 1.The Principal Secretary, Union of India,
Ministry of External Affairs, Union of India E Block,
Central Secretariat, New Delhi.
- 2.The Principal Secretary, Union of India,
Ministry of Overseas Indian Affairs,
Jaisalmer House, Mansingh Road, New Delhi.
- 3.The Regional Passport Officer /
O/o. Regional Passport office Madurai,
Bharathi Ula veethi,
Race Course Road,
Madurai - 625 002.
- 4.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

+1 CC to M/s.T.SIVANANTHAN, Advocate (SR-20643[F] dated
11/04/2023)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-20694[F] dated
12/04/2023)

**W.P (MD) No.5596 of 2023
11.04.2023**

MGJ(02.05.2023) 3P 7C

MK(27.06.2023) 3P 7C