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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.4796 of 2023

Santhosh

... Petitioner

vs.

1.The Regional Passport Officer,
Ministry of External Affairs, Trichy.

2.The Superintendent Enquiry Officer,
The Regional Passport Office,
2nd Floor, Corporation Complex Building,
7th Cross Street, West Thillai Nagar,
Trichy, Tamil Nadu.

3.The Inspector of Police,
Orathanadu Police Station, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first and second respondent to issue passport on the petitioner's application No.TR1064725969722, dated 01.11.2022 based on his reply, dated 22.02.2023.

For Petitioner :Mr.T.Easwar

For R1 and R2 :Mr.K.R.Laxman

Central Government Senior Panel Counsel

For R3 :Mr.N.Muthu Vijayan

Special Government Pleader



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ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the first and second respondents to issue passport consequent to application No.TR1064725969722, dated 01.11.2022.

2.Heard Mr.T.Easwar, learned Counsel for the petitioner, Mr.K.R.Laxman, learned Central Government Senior Panel Counsel for the first and second respondent and Mr.N.Muthu Vijayan, learned Special Government Pleader for the third respondent.

3.The petitioner had applied for passport under the aforementioned application. It was then stated an FIR in Cr.No.235 of 2017 had been registered against the petitioner by the third respondent under Sections 294(b), 324 and 506(ii) IPC. He was called upon to give an explanation by the second respondent and he had also given an explanation.

4.The petitioner herein had been arrayed as A3. It is trite in law that mere arraying of a person as an accused would not disentitle him for



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issuance of passport or for receiving passport. He is entitled for passport as a citizen of this Country.

5.The second respondent is directed, since they had already received clarification, to proceed further with the aforementioned application and if required, issue notice to the petitioner and get an undertaking, if they require the same, and if the petitioner is eligible, proceed to issue passport. The entire exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

21.04.2023

To

The Inspector of Police,
Orathanadu Police Station, Thanjavur District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.4796 of 2023

21.04.2023