



W.P(MD)No.5313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5313 of 2023

Ajmal Khan

... Petitioner

Vs.

1.The Regional Passport Officer
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

3.The Inspector of Police
SP Pattinam Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to issue Passport by considering the petitioner Passport Application in File No.MD1064803169522 within a time stipulated by this Court on the basis of the petitioner's representation dated 09.12.2021.



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For Petitioner : Mr.G.Kasinathadurai

For Respondents : Mr.J.Ashok - for R2 & R3
Additional Government Pleader
Mr.R.Nandakumar - for R1

ORDER

The writ petition has been filed in the nature of a Mandamus seeking issuance of passport consequent to application in file No.MD1064803169522 on 25.11.2022. The petitioner, had made the said application. It was informed to him by a letter dated 13.12.2022 by the first respondent that Crime No.206 of 2020 had been registered against him under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957.

2. A counter affidavit had been filed by the third respondent, wherein, it had been stated that a final report had been filed before the Revenue Divisional Officer, Ramanathapuram, but the case is now pending.



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3. It is stated by the learned Additional Government Pleader that it is now pending before the Special Court at Ramanathapuram District. At any rate, the presumption of innocence runs through the criminal jurisprudence of this Country. The petitioner is only charged with the particular offence. He is not convicted of any offence. He is therefore, entitled for passport.

4. A direction is given to the first respondent to issue fresh notice to the petitioner herein for appearance and examine if the petitioner is otherwise eligible, proceed to issue passport to the petitioner herein. Such exercise must be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. No costs.

17.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
RM



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C.V.KARTHIKEYAN, J.

RM

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