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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM

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

W.P.(MD)No.6662 of 2023

Malaimanikam

... Petitioner

vs.

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

2.The Inspector of Police,
Keelaselvanur Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents more particularly the first respondent to issue passport to the petitioner based on his application, dated 03.03.2023 pending in File No.MD1065131638923 before the first respondent by accepting the oral explanation given by him within a time frame.



For Petitioner :Mr.D.Venkatesh
For R1 :Mr.M.Karthikeya Venkatachalapathy
for Mr.P.Muthu Kumar
For R2 :Mr.J.Ashok
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the first respondent to issue passport to the petitioner on application dated 03.03.2023 in File No.MD1065131638923.

2.Heard Mr.D.Venkatesh, learned Counsel for the petitioner, Mr.M.Karthikeya Venkatachalapathy, learned Counsel for the first respondent and Mr.J.Ashok, learned Additional Government Pleader for the second respondent.

3.The petitioner had applied for passport by the aforementioned application. He was then informed that an FIR in Cr.No.91 of 2020 had been registered against the second respondent under Sections 294(b) and 323 of IPC.



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4.The learned Additional Government Pleader stated that after investigation final report had been filed before the Judicial Magistrate Court, Mudukulathar, but had not taken cognizance.

5.Mere stating the name of the petitioner in the FIR would not categorise the petitioner as a convicted accused. The presumption of innocence runs till conviction.

6.A direction is given to the first respondent to proceed further with the application given by the petitioner herein and if the petitioner is otherwise eligible, proceed to issue passport. The entire exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

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

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

12.04.2023



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To
The Inspector of Police,
Keelaselvanur Police Station,
Ramanathapuram District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.6662 of 2023

12.04.2023