



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

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

W.P.(MD)No.8744 of 2023

Balakrishnan

... Petitioner

vs.

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

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(in Cr.No.334/2022)

3.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(in Cr.No.292 of 2022)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-issue the passport to the petitioner in Passport No.K7503481 by considering his application in File Number-MD2075191799723, dated 21.03.2023 within a time frame as may be fixed by this Court.



For Petitioner :Mr.R.Gowrishankar
For R1 :Mr.C.Nanda Gopalan
For R2 and R3 :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the first respondent/Regional Passport Officer, Madurai, to re-issue the passport of the petitioner in Passport No.K7503481. The petitioner had given an application on 21.03.2023 in MD2075191799723.

2.Heard Mr.R.Gowrishankar, learned Counsel for the petitioner, Mr.C.Nanda Gopalan, learned Central Government Standing Counsel for the first respondent and Mr.N.Muthu Vijayan learned Special Government Pleader for the respondents 2 and 3.

3.The second respondent had stated that two First Information Reports had been registered against the petitioner herein, namely, in Cr.No.292 of 2022, dated 01.11.2022 under Sections 143 and 283 IPC



and in Cr.No.334 of 2022. It is stated that the investigation is still pending in both FIRs.

4.In view of the fact that since presumption of innocence runs through the criminal jurisprudence, a direction is given to the first respondent to issue notice once again to the petitioner, who may give necessary undertaking and thereafter, if the petitioner is otherwise eligible, proceed to re-issue the passport to the petitioner. The entire exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.The Writ Petition stands disposed of. No order as to costs.

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

07.06.2023

cmr



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.8744 of 2023

07.06.2023