



W.P.(MD).No.11800 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.11800 of 2023

Pasumpon Paramasivam

... Petitioner

Vs.

1.The Regional Passport Officer
The Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police
Kottampatti Police Station,
Melur Taluk,
Madurai District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to issue passport to the petitioner based on the petitioner's application, dated 17.04.2023 and his representation dated 08.05.2023.



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For Petitioner : Mr.R.Murugan

For Respondents : Mr.JA.Uthaman - for R1
Senior Panel Counsel

Mr.P.Thambidurai - for R2
Government Advocate

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 based on the petitioner's application, dated 17.04.2023 and his representation dated 08.05.2023.

2. The petitioner is a holder of passport bearing No.M3866494, which was issued on 25.11.2014. He had applied for the renewal of passport, since some of the pages disappeared due to water stains and he was advised by the first respondent to apply for a fresh passport. He made an application on 17.04.2023. The first respondent had stated that there was a FIR in Crime No.163 of 2022 registered by the second



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respondent/Inspector of Police, Kottampatti Police Station, Melur Taluk, Madurai District, registered against the petitioner herein and therefore, expressed his inability to renew the passport.

3. The learned Government Advocate states that consequent to investigation, final report had been filed and taken cognizance by the Judicial Magistrate, Melur as C.C.No.111 of 2023 and that it is now at the stage of trial

4. It is to be noted that till a person is actually convicted by any Court, the presumption of innocence runs very strong in criminal jurisprudence. At any rate, this cannot be a reason to deny the renewal of passport to the petitioner herein.

5. The first respondent may therefore, issue notice to the petitioner herein and get an undertaking about the proceedings in C.C.No. 111 of 2023 and that if ever he wants to go to abroad, he must get permission from the Judicial Magistrate, Melur, where the calendar case is now pending and if it has ended in acquittal, then such obligation is not



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required. If it is ended in conviction, then, if the petitioner prefers a further appeal, then from that Appellate Court, the petitioner must get permission, if he wants to go abroad. With those conditions, the first respondent may proceed to renew the passport of the petitioner herein. The renewal of passport is to be effected within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observations, the writ petition stands disposed of. No costs.

19.05.2023

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

RM



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L.VICTORIA GOWRI, J.

RM

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