



W.P.(MD) No.22327 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

W.P.(MD) No.22327 of 2023

Tamilselvan

... Petitioner

Vs.

1.The Assistant Passport officer,
Ministry of External Affairs,
Government of India,
Regional Pass Port Office, Madurai.

2. The Inspector of Police,
D1, Tallakulam Police Station,
Madurai City,
Madurai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the 2nd respondent police to issue Police Clearance Certificate to the petitioner on the basis of the petitioner application made to the 1st respondent dated 28.07.2023 forthwith.

For Petitioner	: Mr.M. Ponniah
For R1	: Mr.K.Govindarajan
For R2	: Mr.Thanga Aravindh.B Government Advocate (Crl.side)



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ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent No.2 police to issue the police clearance certificate to the petitioner.

2.It is submitted by the learned counsel for the petitioner that the petitioner has completed all the formalities as required for issuance of police clearance certificate. However, the respondent police are orally refusing to give the certificate to the petitioner. It is submitted further that the petitioner requires police clearance certificate for obtaining Visa from Madagascar. Once the passport has already been given to the petitioner, the respondent No.1 has no role to play.

3.The learned Government Advocate (Crl.side) submits that a case in Crime No.731 of 2023 is pending against the petitioner for the offences punishable under Sections 294(b) and 324 IPC. It is submitted further that the investigation was completed and charge sheet is also filed by way of E-Filing and it is pending consideration before the learned Magistrate.



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4.In view of the submissions made by the learned counsel on either side, this Petition is disposed of directing the respondent police to give the certificate as required by the petitioner making clearly that FIR in Crime No.731 of 2023 is pending against the petitioner and is pending for numbering before the learned Magistrate, as quickly as possible, not later than two weeks from the date of receipt of a copy of this order. No costs.

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

14.09.2023

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To

1.The Assistant Passport officer,
Ministry of External Affairs,
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Regional Pass Port Office, Madurai.

2. The Inspector of Police,
D1, Tallakulam Police Station,
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DR.D.NAGARJUN. J.

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