

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 11101 of 2015 (K)

PETITIONER:

SVITLANA AGED 41 YEARS
D/O. OLEXANDRIVNA, RESIDING AT ROOM NO. 202
HOTEL MAPLE REGENCY, OPPOSITE MAIN BOAT JETTY
CANNON SHED ROAD, KOCHI-682011

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO MINISTRY OF HOME AFFAIRS,
EMIGRATION VIASA FOREIGNERS REGISTRATION AND TRACKING
GOVERNMENT OF INDIA, NEW DELHI-110001

2. THE FRRO COCHIN,
BUREAU OF EMIGRARTION,
(FOREIGN RESIDENTS REGULATION OFFICER) 2ND FLOOR,
ARILINES BUILDING, COCHIN INTERNATIONAL AIRPORT
KOCHI-682111

R1-R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11101 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF VISA GRANTED TO THE PETITIONER DATED
8.9.2014

EXHIBIT P1(A): TRUE COPY OF THE VISA GRANTED TO THE PETITIONER
DATED 14.3.2015

EXHIBIT P2: TRUE COPY OF THE NEWS REPORT DOWN LOADED FROM THE
INTERNET DEPICTING THE SCENARIO THAT IS PREVAILING IN
UKRAINE DATED -NIL-

EXHIBIT P3: TRUE COPY OF THE NEWS REPORT DOWN LOADED FROM THE
INTERNET DEPICTING THE SCENARIO THAT IS PREVAILING IN
UKRAINE DATED -NIL-

EXHIBIT P4: TRUE COPY OF THE REQUEST MADE BY THE PETITIONER TO THE
2ND RESPONDENT DATED 31.3.2015

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 11101 of 2015

~~~~~

Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ in the nature of mandamus directing the respondents to permit the petitioner to stay back in India for some reasonable time beyond 12.04.2015 in the light of the ongoing war in her home country Ukraine.

(ii) Issue a writ in the nature of mandamus directing the 2nd respondent to consider Ext. P4 on merits expeditiously after affording to the petitioner a reasonable opportunity of being heard.

(iii) Issue a writ in the nature of mandamus directing the respondents to adopt humanitarian consideration in the petitioner's case considering the precarious situation that she is in now;

and

(iv) Issue such other writ, order or direction as this honourable court deems fit and proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that by virtue of unforeseen circumstances, particularly the War which broke out in the mother country, the petitioner who came to India on 'Tourist VISA' could not go back. It is stated that the near relatives of the petitioner (brother as well as mother) had also to face the consequences of the War and have escaped to some other country. It is in the said circumstances, that the petitioner has approached the second respondent by filing Ext. P4 request to permit her to continue in India for some more time, so as to make some arrangement, in view of expiry of VISA of the petitioner shortly, on 12.04.2015.

3. The learned Assistant Solicitor General appearing for the respondents submits, with reference to paragraph 6 of the statement, that request made by the petitioner is not liable to be entertained for want of enabling provisions of law. Paragraph 6 of the said statement is relevant, which reads as follows :

6. The above information can be verified from the passport in the possession of petitioner. If this Ukraine national wants to stay India, she can leave the country within the present visa expiry date and get a long term Visa or Regular tourist visa (stay up to 6 months

permitted) from Indian Missions abroad. The present tourist visa on arrival is valid for 30 days from the date of arrival and is neither extendable nor convertible. "

4. With reference to the statement filed by the respondents, the learned counsel for the petitioner submits that the petitioner might be permitted to proceed with further steps to have the course suggested vide paragraph No.6 of the statement .

In the said circumstances, coercive proceedings, if any, shall be kept in abeyance for a period of 10 days so as to enable the petitioner to pursue further steps as aforesaid.

Writ Petition stands disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd