

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11830 of 2015

and

M.P.No.1 of 2015

Santhana Raman V.

... Petitioner

vs

1. Commissioner of Police
Law and Order, Tirupur,
Tamil Nadu
2. Chief Immigration Officer
26, Shastri Bhavan Annexe
Haddows Road, Chennai 600 034
Tamil Nadu

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to permit the petitioner to travel abroad in exercise of his fundamental right to travel abroad guaranteed under Article 21 of the Indian Constitution by permanently removing all travel restrictions whatsoever, with immediate effect.

For Petitioner : Mr.Nithyaesh and Vaibhav

For Respondents : Mr.V.Subbiah
Special Government Pleader
for R1

Mr.Su.Srinivasan
Assistant Solicitor General
for R2

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ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims to be the Managing Director of ACE Hotel Brokers Private Limited, Chennai 17, and states that he is having business interest all over India and his daughter is studying

in New York, USA. The petitioner further claims that he is a well known businessman and is having impeccable reputation and standing at the world level among Hoteliers and the like. He would further state that a case in Crime No.272/2014 was registered by Tirupur North Police Station on the basis of a false complaint given by one Durai, though it was purely a civil transaction, which took place in USA.

3. According to the petitioner, he, on 30.6.2014, was about to board an Aircraft and he was stopped from boarding the flight pursuant to the Look-out Circular and his passport was also seized and the Police Official attached to Tirupur North Police Station, took him into custody and later, he was granted bail on 18.7.2014. He would further state that he filed Crl.O.P.No.19494/2014 to quash the FIR in Crime No.272/2014, registered by Tirupur North Police Station, and vide interim order dated 23.7.2014, made in M.P.No.1 of 2014, this Court has granted interim stay of the FIR. The petitioner also filed W.P.No.23702/2014 to quash the Look-out Circular and it was entertained and vide interim order dated 2.9.2014, made in M.P.No.2 of 2014, this Court has granted interim stay until further orders. The petitioner also filed W.P.No.25795/2014 for return of the passport seized in connection with the above said crime number, registered by Tirupur North Police Station, and vide order dated 14.11.2014, this Court directed the petitioner to move the Court of Judicial Magistrate No.I, Tirupur, by filing an application for return of passport and on receipt of the same, the said Court was directed to pass appropriate orders. Pursuant to the orders passed by the said Court, he has also got the return of passport.

4. The petitioner would further state that thereafter, he submitted a representation dated 6.12.2014, to the respondents stating that since the Look-out Circular has been stayed in W.P.No.23702/2014, the travel restriction imposed on him, may be lifted, so as to enable him to travel abroad and since no orders came to be passed, has filed this writ petition.

5. The learned Counsel appearing for the petitioner, would submit that in the light of series of orders passed by this Court, there cannot be any impediment on the part of the second respondent to lift the travel restriction imposed pursuant to the Look-out Circular, and since no orders have been passed on his representation, he is constrained to approach this Court.

6. Per contra, Mr.Su.Srinivasan, learned Assistant Solicitor General, who accepts notice for the second respondent, would contend that since no formal communication has been received from the first respondent, the travel restriction is not lifted.

7. Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the first respondent, would submit that in the light of the orders passed by this Court, appropriate orders may be passed.

8.This Court has carefully considered the rival submissions and also perused the materials placed before it.

9.This Court vide order dated 23.7.2014, made in M.P.No.1/2014 in Crl.O.P.No.19494/2014, has stayed all further proceedings pursuant to the registration of the FIR in Crime No.272/2014, by Tirupur North Police Station. All further proceedings pursuant to the Look-out Circular, was also stayed by this Court vide interim order dated 2.9.2014, passed in M.P.No.2/2014 in W.P.No.23702/2014. That apart, pursuant to the order dated 14.11.2014, passed in W.P.No.25795/2014, the petitioner moved the jurisdictional Magistrate and also got return of the passport.

10.In the light of the above said orders, there cannot be any difficulty on the part of the second respondent to lift the travel restriction. It is pertinent to point out, at this juncture, that the respondents herein were also arrayed as parties to W.P.No.23702/2014, and therefore, they are bound by the order.

11.The petitioner, in paragraph No.15 of the affidavit filed in support of the writ petition, has stated that his business interests are primarily spread throughout India and he is predominantly required in India for taking care of his business concerns and he also unconditionally and unequivocally, undertakes to return to India and participate in the case proceedings, if any.

12.In the light of the said undertaking, there cannot be any impediment to pass positive orders in this writ petition.

13.In the result, the writ petition is disposed of and the second respondent is directed to lift the travel restriction imposed on the petitioner, in connection with the case in Crime No.272/2014, registered by Tirupur North Police Station. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CO)

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Sub Assistant Registrar

nsv

To:

1. The Commissioner of Police
Law and Order, Tirupur,
Tamil Nadu

2. The Chief Immigration Officer
26, Shastri Bhavan Annexe
Haddows Road, Chennai 600 034
Tamil Nadu

+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.22321
+2cc's to M/s.Nithyaesh and Vaibhav, Advocate, S.R.No.21950
+1cc to the Government Pleader, S.R.No.22071

W.P.No.11830 of 2015
and
M.P.No.1 of 2015

SV(CO)
CA(27/04/2015)



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