

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.12.2015

Coram :

The Hon'ble Mr.Justice K.KALYANASUNDARAM

**W.P.Nos.40955 to 40958 of 2015
and M.P.Nos.1 of 2015**

Gregory Omar Malstead ... Petitioner in WP No.40955 of 2015

Abigail Mala Malstead (Minor)
Represented by her father
and Natural Guardian
Gregory Omar Malstead ... Petitioner in WP No.40956 of 2015

Morgen Roger David Malstead (Minor)
Represented by his father
Gregory Omar Malstead ... Petitioner in WP No.40957 of 2015

Rebecca Ann Malstead ... Petitioner in WP No.40958 of 2015

vs

1.Government of India
Rep.by its Secretary,
Ministry of Home Affairs,
Foreigners Division,
Opp. Parliament Road, Near Jandhar Mandhar,
NDCC-2, Buildings, New Delhi.

2.The District collector,
Office of the Collectorate
Udagamandalam,
The Nilgiris.

... Respondents in all WPs

Writ Petitions are filed under Article 226 of the Constitution of India for issue of writ of Certiorari calling for the records connected with the 2nd respondent's order bearing common No.RC.C3.28735/2015 dated 14.12.2015 issued to the petitioners and quash the same.

For Petitioners : Mr.V.Parthiban for
in all WPs M/s.Paul & Paul

For Respondents : Mr.R.Rabu Manohar,
in all WPs SCGPC for R1

Mr.P.Sanjai Gandhi,
Addl.Govt. Pleader for R2.

COMMON ORDER

The impugned orders are challenged mainly on the ground that they have been passed without affording any opportunity to the petitioners and in violation of principles of natural justice.

2. The learned counsels appearing on behalf of the respondents would submit that the second respondent will grant personal hearing to the petitioners and thereafter pass appropriate orders in accordance with law, within a period of two weeks.

3. Mr.Parthiban, learned counsel appearing for the petitioners submitted that in similar facts, the Division Bench of Mumbai High Court has set

aside the order and granted four weeks time to implement the order, if any adverse order is passed against the petitioner. The learned counsel for the petitioners also undertakes to co-operate for the enquiry proposed to be conducted by the second respondent and prays for similar order.

4. In view of the submissions made on either side, the impugned orders are set aside. The second respondent shall pass appropriate order, in accordance with law, after giving personal hearing to the petitioners, as expeditiously as possible. The petitioners are directed to co-operate for the enquiry. It is also made clear that if any adverse order is passed against the petitioners, it shall not be implemented for a period of two weeks from the date of passing such order.

5. In the result, all the writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.12.2015

Index : Yes/No
rgr

Note: Issue order copy by 24.12.2015

K.KALYANASUNDARAM, J.

rgf

1.The Secretary,
Government of India,
Ministry of Home Affairs,
Foreigners Division,
Opp. Parliament Road,
Near Jandhar Mandhar,
NDCC-2, Buildings, New Delhi.

2.The District collector,
Office of the Collectorate
Udagamandalam,
The Nilgiris.

**Common Order in
W.P.Nos.40955 to 40958 of 2015**

24.12.2015