

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2015

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THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.30213 of 2015

and

M.P.No. 1 of 2015

1. Mrs.Khin Mya Win
2.Mr.Nay Win
3.Mrs.Than Than Win ... Petitioners

- Vs -

1. The Union of India,
Represented by its Secretary,
Ministry of Home Affairs
Government of India
New Delhi.
2. The Emigration Officers
Foreigners Regional Registration
Bureau of Immigration
Ministry of Home Affairs
Government of India
Chennai-600 006. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to extend the petitioners' residential permit for a period of 6 months with effect from 20.09.2015.

For Petitioner : Mr.K.Mohanamurali

For Respondents :Mr.S.Namo Narayanan (R1 and R2)
CGSPC

O R D E R

Heard the learned counsel for the petitioner as well as the learned Central Government Senior Panel Counsel appearing for the respondents.

2. The first petitioner is the mother and the petitioners 2 and 3 are her children. It appears that the petitioner got tourist visa and it has been used for the treatment given to the first petitioner. Though it was the case of the misusing the tourist visa, taking a sympathetic view the visa was converted into Medical visa without extending the period. Accordingly the period mentioned in the visa got expired on 19.09.2015.

3. Placing reliance upon the certificate issued by the Surgeon, the petitioners have come forward with this Writ Petition seeking further extension of Visa.

4. The certificate issued by the Surgeon on 16.09.2015 is extracted hereunder:

"This is to certify that Mrs.Khin Mya Win (Myanmar Passport Number MB 244264) aged 64 Female is suffering from Chronic Kidney Failure and Coronary Artery Disease. She needs to undergo Coronary Artery Bypass Surgery followed by kidney Transplantation. This is a major Open Heart Operation. She is likely to stay in the hospital for 30 days and come for review periodically for 6 months. Since she is a foreign national from Myanmar, she is advised to get a Medical Visa for proceeding with Surgery. She will need two attendants to look after her during this period. A visa may kindly be issued to her Son Mr.Nay Win (Passport No MB 244265) and her daughter Mrs.Than Than Win (Passport number (M936207)to take care of her for 6 months."

5. A perusal of the said certificate would make it apparent that the first petitioner's surgery was over and what is required is the periodical review. For the said purpose, the petitioner do not require six months time. Review is only meant for checking the patient. This can also be done in the country in which the petitioners have come.

6.Taking into consideration the nature of surgery undergone by the first petitioner, who is a lady aged about 64 years, this Writ Petition is disposed of by directing the respondents to extend the

residential permit for a further period of three months from the date of receipt of a copy of this order, making it clear that the no more extension would be granted to the petitioners. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

arr

To

1. The Secretary,
Union of India,
Ministry of Home Affairs
Government of India
New Delhi.

2. The Emigration Officers
Foreigners Regional Registration
Bureau of Immigration
Ministry of Home Affairs
Government of India
Chennai-600 006.

1 cc to Mr.S.Namo Narayanan , Advocate Sr.No.53438

1 cc to Mr. K.Mohanamurali, Advocate Sr.No.53568

W.P.No.30213 of 2015

rv(co)
pmk.5.10.2015

सत्यमेव जयते

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