

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2015

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THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.33506 of 2015

1. Mrs.Theingi Win
2. Ms.Ei Ei Cho

...Petitioners

- Vs -

1. The Union of India
Rep. 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 3 months for the pass port No.M936166 Mrs.Theingi Win issued by the Republic of The Union of Myanmar and Pass port No.MB255510 Ms.Ei Ei Cho issued by Republic of The Union of Myanmar with effect from 02.10.2015.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr. Venkatasamy Babu (R1 to R3)

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3.

2. The issue involved in this Writ Petition is covered by the earlier order passed by this Court in W.P.No.30213 of 2015 on 01.10.2015. In so far the as the petitioner's mother, brother and sister is concerned, this court in the said order was pleased to hold as follows:

"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."

3. In view of the same, this Writ Petition is disposed on the very same terms making it clear that the time limit granted to the family members in the order aforesaid order would be made applicable to the petitioners. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The 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. Venkatasamy Babu, Advocate SR.No. 59285

1 CC to Mr.K.Mohanamurali, Advocate SR.No. 59332

W.P.No.33506 of 2015

NM (CO)

PSI (02.11.2015)