

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 6-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.3868 of 2015

S.Selvanesan

...Petitioner

vs

The Deputy Secretary (SC)
Government of Tamil Nadu
Fort St. George, Chennai 600 009

...Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to pass orders on the representation of the petitioner dated 9.1.2015, by permitting the petitioner to go to Sri Lanka to see his mother and to receive his property from the Sri Lankan Government.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

2.The petitioner claims that he is a citizen of Sri Lanka and on 11.10.2007, he came to India as a Tourist with all valid documents and was staying at No.4, Amman Kovil Street, Virugambakkam, Chennai, and he has been implicated in very many false cases by the concerned police, though he is innocent. The respondent has also passed an order under Section 3(2)(e) of the Foreigners Act, 1946, on 25.6.2014, and consequent thereupon, he has been detained in the Refugee Camp at Cheiyyaru, Thiruvannamalai District. The petitioner would further state that he does not belong to any terrorist group and in view of the prevailing circumstances in Sri Lanka after the Presidential Election, he wants to go back to Sri Lanka to retrieve his property and also attend his age-old parents and in this regard, he has submitted a detailed representation dated 9.1.2015, and since no response is forthcoming, he came forward to file this writ

petition.

3.Mr.S.Doraisamy, learned Counsel appearing for the petitioner, would submit that the petitioner is deliberately implicated in very many false cases and it would suffice to direct the respondent to consider and dispose of the representation dated 9.1.2015, on merits within a stipulated time.

4.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, has drawn the attention of this Court to the counter affidavit filed by the respondent, and would submit that the petitioner is involved in the cases registered by the Central Crime Branch in Crime Nos.86/2010, 119/2011, 409/2011, 419/2011, 595/2012 and 149/2014 and the said cases are pending investigation and the petitioner is also facing trial in S.C.No.559/2010, pending on the file of the XVII Additional Sessions Court, Chennai, which was subsequently split up and it is now pending in S.C.No.332/2011, and in the light of the pendency of the cases and considering the antecedents of the petitioner, in the event of permission being granted to him to go to Sri Lanka, he would not come back and the trial of the cases may be delayed.

5.This Court, taking into consideration the limited scope of prayer sought for by the learned Counsel for the petitioner, is of the view that it would suffice to direct the respondent to consider and dispose of the representation within a stipulated time.

6.This Court, without going into the merits of the representation, directs the respondent to consider and dispose of the petitioner's representation dated 9.1.2015, on merits and in accordance with law and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and inform the petitioner, the decision taken. The writ petition accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nsv

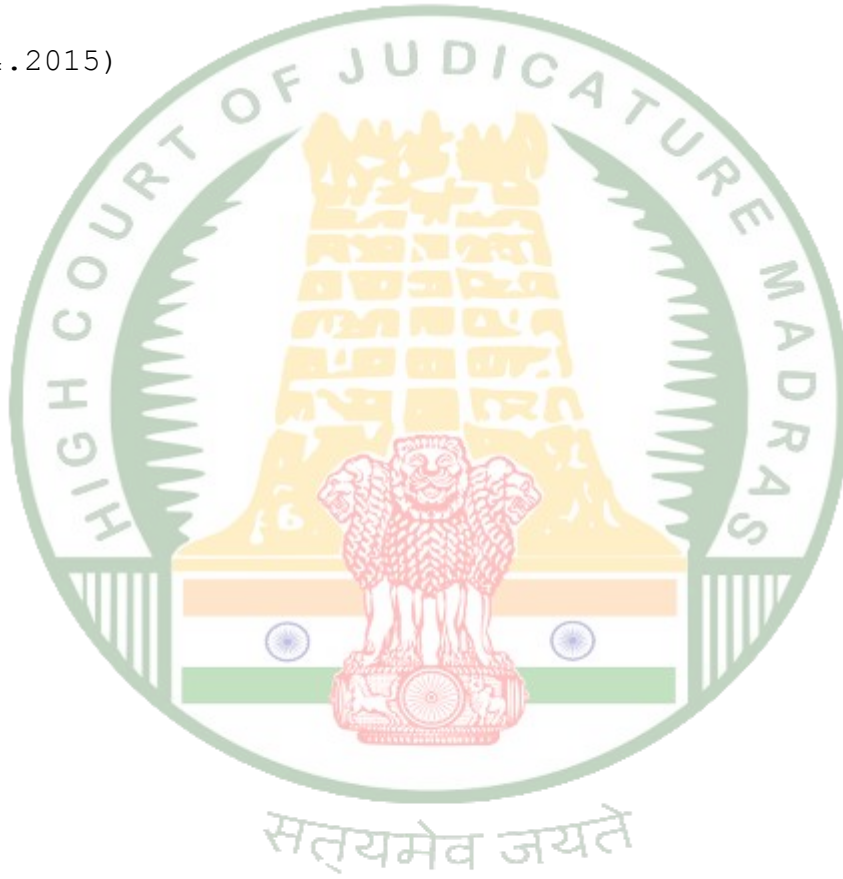
To

The Deputy Secretary (SC)
Government of Tamil Nadu
Fort St. George, Chennai 600 009

1 CC to Mr.S.Doraisamy, Advocate SR.No. 18869

W.P.No.3868 of 2015

PPA (CO)
PSI (21.04.2015)



WEB COPY