



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P(MD)No.949 of 2016

and

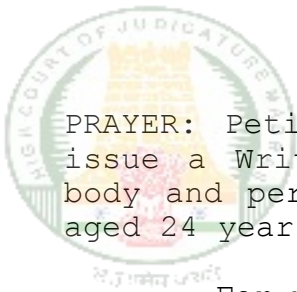
C.M.P. (MD) .No.7347 of 2016

Mohammed Fawzar

.. Petitioner

Vs.

- 1.Union of India,  
Rep by The Principal Secretary,  
Ministry of External Affairs,  
Union of India, Shastri Bhawan, New Delhi.
  - 2.The State of Tamil Nadu,  
Rep by the Secretary to Government,  
Home Department,  
Secretariat, Fort.St.George,  
Chennai 600 009.
  - 3.The Director General of Police,  
Office of the Director General of Police,  
Chennai 600 004.
  - 4.The Commissioner of Rehabilitation,  
Office of the Commissioner of Rehabilitation,  
State of Tamil Nadu, Ezhilagam, Chennai 600 005.
  - 5.The Superintendent of Police,  
Q Branch, Office of the Q Branch Superintendent of Police,  
Pallavam Salai [Park Town],  
Chennai 600 004.
  - 6.The District Collector,  
Office of the District Collector,  
Ramanathapuram District.
  - 7.The Special Sub-Collector,  
Mandabum Special Camp for Refugee,  
Mandapam, Ramanathapuram District.
  - 8.The Superintendent of Police,  
Office of the Superintendent of Police,  
Ramanathapuram District.
  - 9.The Inspector of Police,  
Dhanushkodi Police Station,  
Dhanushkodi, Ramanathapuram District.
- .. Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body and person of the detenu, by name, Ahamed Iqmal, S/o.Mohamed Fawzar, aged 24 years, before this Court and set him at liberty.

For petitioner : Mr.R.Alagumani  
 For Respondent No.1 : Mr.N.Shanmugaselvam  
 For respondents 2to9 : Mr.C.Mayil Vahana Rajendran  
 Additional Public Prosecutor

O R D E R  
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[Order of the Court was made by K.K.SASIDHARAN, J.]

This Habeas Corpus Petition has been filed by a Srilankan National for a direction to the respondents to produce the detenu, by name, Ahamed Iqmal and set him at liberty.

2. According to the petitioner, his son, by name, Ahamed Iqmal, came to India, by proper Visa and Passport. He reached Nagapattinam, on 14.11.2011. Since he lost the Passport and the other documents, the police arrested him and produced before the jurisdictional Magistrate. He was convicted by the learned Judicial Magistrate, Rameshwaram and sentenced to undergo rigorous imprisonment for two and half years. The detenu has already undergone the sentence. Since he was not released thereafter, the petitioner has come up with this Habeas Corpus Petition.

3. We have passed the following order, on 01.08.2016:-

"The learned Additional Public Prosecutor appearing on behalf of the respondents, on instructions, submitted that the District Collector, Ramanathapuram District, wanted to deport the petitioner to Srilanka. He is awaiting a report from the Superintendent of Police, Ramanathapuram District.

2. The Superintendent of Police, Ramanathapuram District, is a party to this Habeas Corpus Petition.

3. We direct the Superintendent of Police, Ramanathapuram District, to submit a report to the District Collector, Ramanathapuram District, pursuant to his request, by 03 August, 2016 and produce a copy before this Court on 04 August, 2016. In case no objection is given by the Superintendent of Police, Ramanathapuram District, orders shall be passed by the District Collector, thereafter taking into account the submission made by the learned Additional Public Prosecutor that the Police and District Administrator also wanted to deport the detenu to Srilanka.

4. Post on 04 August, 2016".

4. Thereafter, we have passed another order on 04.08.2016:-

"The Superintendent of Police, Ramanathapuram, submitted a report to the District Collector, Ramanathapuram, indicating that there are no cases pending against the detenu and as such, the police has no objection in deporting the detenu to Sri Lanka. Thereafter, the District Collector, Ramanathapuram, vide proceedings dated 03.08.2016, forwarded the case to the Government for passing appropriate orders.

2. The second respondent is directed to pass



appropriate orders, pursuant to the report submitted by the District Collector, Ramanathapuram, as expeditiously as possible, and in any case, on or before 17.08.2016.

3. Post the matter on 18.08.2016".

5. When the Habeas Corpus Petition was taken up for hearing on 19.08.2016, the learned Additional Public Prosecutor produced a copy of the order, dated 16.08.2016, passed by the District Collector, Ramanathapuram, directing the detenu to pay a sum of Rs.32,000/- on account of charges for overstay so as to enable the administration to issue him exit permit. Since the petitioner was not having the sufficient financial resources to pay the said amount, the matter was adjourned to be posted on 22.08.2016.

6. When the Habeas Corpus Petition was taken up for consideration on 22.08.2016, the learned counsel for the petitioner pleaded that the petitioner is not in a position to pay the said amount. We, therefore, requested Mr.M.Ajmal Khan, learned Senior Counsel, to extend help to the petitioner so as to enable him to take his son, who is stated to be an unsound person to Srilanka. The learned Senior Counsel readily agreed to provide necessary amount, taking into account the pitiable condition of the petitioner and detenu.

7. When the Habeas Corpus Petition was taken up for hearing today, the learned counsel for the petitioner submitted that Mr.M.Ajmal Khan, learned Senior Counsel, handed over a sum of Rs.32,000/- so as to enable the petitioner to remit the charges for overstay before the Treasury, pursuant to the order passed by the District Collector, dated 16.08.2016.

8. Since the petitioner is not in possession of money to purchase air tickets, we requested Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, who was present in Court, to help him. Thiru.T.S.Mohammed Mohideen, learned Additional Government Pleader, readily agreed to bear the expenses for the travelling of the petitioner and his son from Madurai to Srilanka.

9. The amount required for payment of overstay charges has already been remitted by the petitioner through the officials in-charge of Mandapam Camp.

10. In view of the payment made by the petitioner, we direct the respondents to issue Exit Permit, during the course of the day and produce the same before this Court on 24.08.2016.

11. We record our appreciation of the gesture shown by Mr.M.Ajmal Khan, learned Senior Counsel and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, taking into account the plight of a poor man, who has come to this Country with a grievance that on account of non-payment of overstay charges, his son is detained in India. The learned Advocates have proved that the Advocate Community is always in the front to render assistance to the poor and needy, irrespective of their country of origin.

12. The Habeas Corpus Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petition is closed.



13. The Registry is directed to post the Habeas Corpus Petition on 24.08.2016, 'for reporting compliance'.

SD  
ASST REGISTRAR ( CS II )

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SUB ASST REGISTRAR

NB  
To:

- 1.The Principal Secretary,  
Ministry of External Affairs,  
Union of India, Shastri Bhawan, New Delhi.
- 2.The Secretary to Government,  
Home Department,  
Secretariat, Fort.St.George,  
Chennai 600 009.
- 3.The Director General of Police,  
Office of the Director General of Police,  
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- 4.The Commissioner of Rehabilitation,  
Office of the Commissioner of Rehabilitation,  
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- 5.The Superintendent of Police,  
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Mandabum Special Camp for Refugee,  
Mandapam, Ramanathapuram District.
- 8.The Superintendent of Police,  
Office of the Superintendent of Police,  
Ramanathapuram District.
- 9.The Inspector of Police,  
Dhanushkodi Police Station,  
Dhanushkodi, Ramanathapuram District.
- 10.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.N.Shanmuga Selvam, Advocate SR.No.46650

SD DB SARI 23 8 16

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ORDER MADE IN H.C.P(MD)No.949 of 2016  
23.08.2016