

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.13973 of 2017
and W.M.P.No.15165 of 2017

B.Gunasekaran

[Petitioner]

Vs

- 1 Union of India
Rep by The Chief Immigration Officer
Bureau of Immigration
No.26 Shasthri Bhawan
Annexe Building
No. 26 Haddows Road
Chennai 6
- 2 The Immigration Officer
Bureau of Immigration
Arignar Anna Chennai International Airport
Meenambakkam Chennai
- 3 State by
The Inspector of Police
W-9 All Women Police Station
Villivakkam Chennai 49 [Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 to permit the petitioner to Travel to Dammam on the strength of the petitioners Passport and Visa bearing No. 127614704 dated 11.12.2016.

For Petitioner : Mr.L.Rajasekar
For Respondents : Mr.S.V.Doraisolaimalai, AGP

O R D E R

Mr.S.V.Doraisolaimalai, learned Additional Government Pleader takes notice for the respondents. By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents 1 and 2 to permit him to travel to Dammam, on the strength of his Passport and Visa bearing No. 127614704 dated 11.12.2016.

3. It is not in dispute that a criminal case in C.C.No.3174 of 2011 is pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai. The said case was registered by the 3rd respondent in Crime No.2 of 2011 under Section 498-A, 406 and 506(i) IPC.

4. According to the petitioner, he is working in Saudi Arabia and based on the complaint given by his wife L.Priya, the 3rd respondent police has registered the said complaint and a criminal case is pending before the X Metropolitan Magistrate Court, Egmore, Chennai. The petitioner has stated that the respondents 1 and 2 had prevented him from travelling to Saudi Arabia and also cancelled the immigration seal affixed on 4th June 2017.

5. The learned counsel appearing for the petitioner submitted that the petitioner should join duty in Saudi Arabia on or before 07.06.2017.

6. Since the criminal case in C.C.No.3174 of 2011 is pending before the X Metropolitan Magistrate Court, Egmore, I am of the view that the petitioner should get leave from the trial Court for travelling abroad. In these circumstances, I do not find any reason to entertain the writ petition. However, I give liberty to the petitioner to move the X Metropolitan Magistrate Court, Egmore, Chennai, for getting permission to travel to Saudi Arabia.

7. In view of the urgency in the matter, the learned counsel appearing for the petitioner submitted that the petitioner would file an application before the trial Court seeking permission to travel to Saudi Arabia today itself and in the event of such application being filed by the petitioner, the trial Court may be directed to consider the same and pass orders today itself.

8. Having regard to the submissions made by the learned counsel for the petitioner, in the event of an application being filed by the petitioner seeking permission to travel to Saudi Arabia before the X Metropolitan Magistrate Court, Egmore, Chennai today, the same shall be considered by the trial Court today itself, on merits and in accordance with law.

With these observations, the writ petition is closed. No costs. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chief Immigration Officer
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Bureau of Immigration
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Meenambakkam Chennai
- 3 The Inspector of Police
W-9 All Women Police Station
Villivakkam Chennai 49
4. The X Metropolitan Magistrate,
Egmore Chennai.

+1cc to Mr.L.Rajasekar, Advocate, S.R.No.40077

W.P.No.13973 of 2017

SSI (CO)
RS (06/06/2017)

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