

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S.M.SUBRAMANIAM

WMP NO.34690 OF 2017

IN WP.31567 OF 2017

K.MANAVALAN

[PETITIONER]

Vs

THE GENERAL MANAGER,
FOOD CORPORATION OF INDIA,
REGIONAL OFFICE, NO.8,
SATHYAMURTHY ROAD, CHETPET,
CHENNAI-600 031.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

to pass an order of interim direction directing the respondent to forthwith grant permission to the petitioner so as to enable him to travel abroad Auckland (New Zealand) (in WMP.No.34690/17) pending disposal of the a main writ petition 31567/17

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.VIJAY SHANKAR Advocate for the petitioner and of MR.S.VIJAYAKUMAR Advocate on behalf of the respondent the court made the following order:-

The relief sought for in this miscellaneous petition is for an interim direction, directing the respondent to forthwith grant the permission to the writ petitioner, so as to enable him to travel abroad viz., Auckland (New Zealand), pending disposal of the main writ petition.

2. The grievance of the writ petitioner is that the daughter of the writ petitioner is settled down in Auckland (New Zealand) and she gave birth to a child in October 2017. After delivery, the daughter of the writ petitioner had underwent a major surgery in her Stomach (Chest), which disabled her from carrying and taking care of her child. Thus, she requires constant help and attention

for the purpose of looking after her new born baby.

3. Under these circumstances, the writ petitioner has to visit his daughter immediately. The writ petitioner made an application, seeking no objection to proceed to Auckland (New Zealand) for the purpose of visiting and taking care of his daughter and the new born baby. The permission was not granted by the respondent.

4. The learned counsel, appearing on behalf of the respondent, states that the genuinity of the Community Certificate, produced by the writ petitioner, is in dispute and in this regard, the writ petition filed by the writ petitioner is pending before the Hon'ble Division Bench of this Court, Therefore, the respondent cannot permit the writ petitioner to proceed to abroad.

5. This Court is of the opinion that the writ petitioner wants to proceed to Auckland (New Zealand) for about 30 days to visit his daughter, who is taking treatment after a major surgery. Being a father, the writ petitioner has to proceed immediately and take care of his daughter as well as the new born baby. Mere pendency of the writ petition in respect of Community Certificate, cannot be a bar for granting No Objection Certificate.

6. The implication in this regard, cannot have any adverse effect of preventing the writ petitioner from proceeding to abroad. Presuming that the writ petition is decided against the writ petitioner, then also there is no bar for the writ petitioner to proceed to abroad. Thus, in any angle, this Court is of the opinion that there is no impediment for granting no objection to the writ petitioner to proceed to Auckland (New Zealand).

7. Under these circumstances, this Court is of the opinion that the balance of convenience lies in favour of the writ petitioner. Accordingly, the respondent is directed to grant no objection forthwith to the writ petitioner to travel to Auckland (New Zealand) and the address for communication of the writ petitioner, as furnished by the learned counsel for the writ petitioner, is as under:-

**"S.Muraly (Son-in-Law) ,
F-3, 1st Floor,
Sri Sai Apartments,
No.6, Sainagar 1st Street,
Jawahar Nagar,
Chennai-82.
Mobile No.98413 66261."**

8. Accordingly, the respondent is directed to issue no objection, within five days from the date of receipt of a copy of this order and the miscellaneous petition stands disposed of.

-sd/-
19/12/2017
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE GENERAL MANAGER
FOOD CORPORATION OF INDIA, REGIONAL OFFICE,
NO.8, SATHYAMURTHY ROAD,
CHETPET, CHENNAI-600 031.

C.C. to M/S.V.VIJAY SHANKAR Advocate SR.No.16340

C.C. To M/S.S.VIJAYAKUMAR Advocate SR.No.16255

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.34690/2017

in
WP.31567/2017

Date :19/12/2017

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