

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.17213 of 2016
and W.M.P.NO.14683 OF 2016

Ramesh Selvakumar

... Petitioner

Versus

1.The Commissioner of Immigration
Government of India,
East Block-VIII, Level-V
Sector-I, R.K.Puram,
New Delhi-110 066.

2.The Chief Immigration Officer, (CHIO)
Shastri Bhavan, No.26, Haddows Road,
Nungambakkam, Chennai-600 006.

3.The Deputy Commissioner of Police,
New Washermenpet Range,
Washermenpet, Chennai.

4.The Inspector of Police,
H-3, Tondairpet Police Station,
Tondairpet, Chennai.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to permit the petitioner to leave and re-enter India on production of valid passport and Visa.

For Petitioner : Mr.S.Joel

For RR1 & 2 : Mr.G.Hema

For RR3 & 4 : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

This writ petition is filed seeking for a writ of mandamus directing the respondents to permit the petitioner to leave and re-enter India on production of valid passport and Visa.

2.The petitioner is a citizen of India holding valid passport and doing iron and other metal scrap business. For his business purpose, he would travel various countries like China, Maldives, United Arab Emirates, Malaysia and Thailand etc. He holds resident ship of United Arab Emirates. Whiles, the Immigration Officer at Mumbai Chatrapathi Shivaji International Airport had stopped him departing to Dubai on 21.04.2016 stating that a Criminal case in Crime No.673 of 2015 is pending before the fourth respondent herein. The petitioner would further submit that though it has been stated that a criminal case is pending, no enquiry has been conducted by the fourth respondent till date. The petitioner would submit that since he is a businessman, he has to travel to abroad frequently for his business and hence has come forward to file this writ petitioner seeking to direct the respondents to permit the petitioner to leave and re-enter India on production of valid passport and Visa.

3.Heard Mr.S.Joel, learned counsel appearing on behalf of the petitioner, Mr.G.Hema, learned counsel appearing on behalf of the first and second respondents and Mr.A.N.Thambidurai, Special Government Pleader appearing on behalf of the third and fourth respondents.

4. Learned counsel for the petitioner submitted that the matter has been settled between the petitioner and the defacto complainant regarding the criminal case and thereafter he was set free by the Immigration Authorities.

5. Learned Special Government Pleader for the respondents has no serious objection for the petitioner to travel abroad subject to the investigation officer and the permission granted by the concerned police authorities. The learned Government Pleader further submitted that the case is only at the F.I.R. stage.

6. Considering the above facts and circumstances and the submissions made by the learned counsel, this writ petition is closed subject to the condition that the petitioner can travel abroad and should appear before the respondents as and when required for investigation.

7. With the above direction, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Immigration
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East Block-VIII, Level-V
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New Delhi-110 066.

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4.The Inspector of Police,
H-3, Tondairpet Police Station,
Tondairpet, Chennai.

+1cc to M/s.S.Joel, Advocate SR.No.17779

W.P.No.17213 of 2016

VGII(CO)
GN(07/04/2017)

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