

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
W.P.No.41114 of 2016

Jang Woongchull

... Petitioner

Vs.

1. The Regional Passport Officer,
No.26, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai 34.
2. The Commissioner of Police,
EVK Sampath Road, Vepery,
Periyamet, Chennai 600 007.
3. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.
4. The Assistant Foreigner,
Regional Registration Officer (AFRRO)
Chennai Airport,
Mennambakkam,
Chennai.
5. The Chief Immigration Officer,
No.26, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai 34.
6. The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
7. The Inspector General of Police,
North Zone, Chennai 600 016.
8. The Deputy Inspector General of Police,
CBCID, Chennai 600 008.

.. Respondents

R1, R2, R7 & R8 are deleted as per
order dated 24.11.2016 by PNPJ in
W.P.No.4114/2016

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari by calling for connected records leading to the issue of the impugned order of the 3rd respondent in C.No.297/DCRB/KPM/2016 dated 13.10.2016 (Old LOC No.429088) and quash the same.

For Petitioner : Ms.R.Mahalakshmi
For Respondents : Mr.S.Babu, Govt. Advocate
for R3 & R6
No appearance for R4 & R5
R1,2,7 & 8 Deleted

ORDER

This petition is filed seeking issuance of a Writ of Certiorari by calling for connected records leading to the issue of the impugned order of the 3rd respondent in C.No.297/DCRB/KPM/2016 dated 13.10.2016 (Old LOC No.429088) and quash the same.

2. The petitioner is aggrieved by the Look Out Circular issued by the fourth respondent on 10.10.2016. According to the petitioner, the investigation has been completed and there is no necessity for the Look Out Circular standing in his name. The petitioner is a foreign national holding a South Korean passport. In view of the Look Out Circular, he is unable to move freely inside and outside India.

3. The Look Out Circular was issued under the regulations of the Ministry of Home Affairs (Foreigners Division), Government of India in the office memorandum dated 27.10.2010. As per clause 8 (i) the look out circular will be valid only for a period of one year from the date of issue and thereafter the name of the person shall be removed automatically with effect from 10.10.2017. Look Out Circular pending for more than one year shall be deemed to have lapsed, unless the agency concerned specifically requests for continuation of the names in the Look Out Circular. In the present case, there is no such request for continuation of the name in the Look Out Circular and on the other hand, as per the order dated 13.10.2016, removal of the petitioner's name from the Look Out Circular has been recommended in view of the fact that the investigation having been completed. Since the petitioner's Look Out Circular dated 10.10.2016 has already lapsed, there is no impediment for the petitioner to travel freely inside and outside India.

4. With the above observations the writ petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.
2. The Assistant Foreigner,
Regional Registration Officer (AFRRO)
Chennai Airport,
Meenambakkam,
Chennai.
3. The Chief Immigration Officer,
No.26, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai 34.
4. The Inspector of Police
Oragadam Police Station,
Kancheepuram District.

W.P.No.41114 of 2016

pvs (co)
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