



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABABU

W.P. (MD) Nos.1505 and 1506 of 2017

Kumar

... Petitioner

Vs.

1.The Chief Immigration Officer,
Bureau of Immigration,
Trichirappalli International Airport,
Trichy.

2.The Regional Passport Officer,
Madurai.

... Respondents

In WP (MD) .1506/2017:

Suresh

... Petitioner

Vs.

1.The Chief Immigration Officer
Bureau of Immigration
Trichirappalli International Airport
Trichy

2.The Regional Passport Officer
Madurai

... Respondents

PRAYER in both petitions: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to permit the petitionerS to travel Malaysia using their passport and Visa forthwith.

In both writ petitions:

For Petitioners : Mr.T.A.Ebenezer

For Respondents : Mr.N.Shanmugaselvam

C O M M O N O R D E R

In both these writ petitions, individual writ petitioners seek for the common relief of directing the respondents to permit them to travel Malaysia using their respective passport and Visa issued in their favour.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Both these petitioners are holders of passport and obtained



Multiple Entry VISA from Malaysian Immigration Department, which expires on 19.12.2017. Both of them wanted to go to Malaysia to see their respective relatives and accordingly, booked air tickets for their travel on 24.01.2017 and to return India on 20.02.2017. However, they were not permitted to board the flight on 24.01.2017 by the Immigration Officials at Trichirappalli International Airport. Therefore, the petitioners returned home and filed the present writ petitions.

4. After notice, the learned counsel appearing for the respondents, based on instructions, submitted that the petitioners were not permitted to board the flight only on the reason that they would stay in Malaysia by getting some employment there without having any valid permit.

5. In view of such apprehension expressed by the respondents, the petitioners were directed to file affidavits before this Court that they are not intending to visit Malaysia for an employment and on the other hand, they will return to India after visiting their relatives. Accordingly, both the petitioners have filed their individual affidavits of undertaking which are as follows:

In WP(MD).1505/2017:

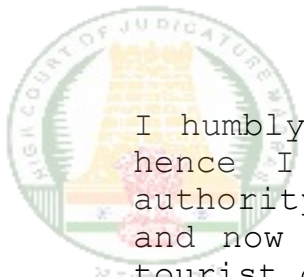
I humbly submit that I had applied for tourist visa and obtained the same in order to visit Malaysia to see my own brother Mr.Muthumari Ramar having Indian Passport No.I.2896521 employed in Malaysia under Nasi Kandar Kedah(M)SDN BHD and residing at No.32, Jalan Dagang, 1/1A, taman Dagang, Ampang, ampang Selang68000 along with Mr.Suresh, who is 2nd cousin and with the help of him and my brother I planned to visit tourists places in Malaysia.

I humbly submit that said Muthumari Raman is my own brother and hence I am visiting him with valid documents. Without any authority the 1st respondent officials did not permit me to embark and now stating that some doubt regarding whether I am going as tourist or for some employment.

I humbly submit that I am promising herein that I am going to visit Malaysia only as tourists and not for an employment. I am filing this affidavit reiterate the same as per the direction of this Honourable Court. I also promise that I will return India well before the expiry of visa period. I am taking responsibility to me while visiting Malaysia.

In WP(MD).1506/2017:

I humbly submit that I had applied for tourist visa and obtained the same in order to visit Malaysia to see my own brother Mr.Muthumari Ramar having Indian Passport No.I.2896521 employed in Malaysia under Nasi Kandar Kedah(M)SDN BHD and residing at No.32, Jalan Dagang, 1/1A, taman Dagang, Ampang, ampang Selang68000 along with Mr.Kumar, who is own brother of Muthumari Ramar and with the help of him and Mr.Kumar I planned to visit tourists places in Malaysia.



I humbly submit that said Muthumari Raman is my own brother and hence I am visiting him with valid documents. Without any authority the 1st respondent officials did not permit me to embark and now stating that some doubt regarding whether I am going as tourist or for some employment.

I humbly submit that I am promising herein that I am going to visit Malaysia only as tourists and not for an employment. I am filing this affidavit reiterate the same as per the direction of this Honourable Court. I also promise that I will return India well before the expiry of visa period. I am taking responsibility to me while visiting Malaysia.

6. Since the petitioners have clearly given the above said undertaking that they are going to Malaysia only to visit their relatives under a Tourist Visa and that they would return to this country before expiry of Visa period, the apprehension of the respondents may not have any basis in the absence of any material in support of such apprehension. Hence, there cannot be any difficulty for the respondents to permit the petitioners to travel Malaysia based on the Visa granted in their favour.

7. Accordingly, the above undertaking given by the petitioners are recorded and the writ petitions are disposed of by directing the respondents to permit the petitioners to travel Malaysia using their respective passport Nos.N5554046 and P5472376 and Visa granted to them by the Immigration Department of Malaysian country, after due verification of both the documents, if there is no other legal impediment for permitting them to travel. No costs.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Immigration Officer, Bureau of Immigration,
Trichirappalli International Airport, Trichy.

2.The Regional Passport Officer Madurai

+1 cc to Mr. T.A.EBENEZER, Advocate, Sr.No:7332&7333

+1 cc to Mr. N.SHANMUGA SELVAM ,Advocate, Sr.No:7615&7614

CM

MAS/RSK/SAR1:09.02.2017:3P/7C