

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10484 of 2019
and
W.M.P.No.10999 of 2019

Kumari

... Petitioner

Vs

1. The Union of India,
Rep. by Secretary to Govt. of India,
Ministry of External Affairs,
New Delhi.
2. Foreigners Regional Registration Office,
Bureau of Immigration,
Shastri Bhavan Annexure,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.
3. The Immigration Officer,
Bureau of Immigration,
Shastri Bhavan Annexure,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose the application submitted by the petitioner for converting her tourist visa in to Multiple Entry Visa (X Visa) based on the application submitted on 13.02.2019 or within any time frame as may be stipulated by this Court and further direct the respondents to communicate the same to the petitioner.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Ms.Sunita Kumari,
Senior Panel Counsel

O R D E R

This Writ Petition is filed seeking for a Mandamus directing the 2nd respondents to dispose of the application submitted by the petitioner for converting her Tourist Visa to Multiple Entry Visa, based on the application submitted by her on 13.02.2019.

2. Heard both sides.

3. According to the petitioner, she is a permanent citizen of Myanmar (Burma), got married to an Indian citizen on 23.03.2017 and came to India on Tourist Visa with valid period from 21.01.2019 to 20.04.2019. Therefore, the petitioner made an application to the Immigration Officer on 12.02.2019 to convert her Tourist Visa into Multiple Entry Visa in order to facilitate her to apply for Overseas Citizen of India card in future. It is claimed by the petitioner that she made such application by enclosing mandatory documents. As the said application is not considered, the petitioner approached this Court and filed the present writ petition.

4. When the matter was taken up for admission on 05.04.2019, learned counsel for the respondents took notice and sought time to get instruction. Accordingly, the matter is listed today for further hearing.

5. Learned counsel for the respondents, based on instructions, submitted that the documents already filed by the petitioner are not meeting the requirements. Therefore, she submitted that unless the petitioner produces the necessary documents, the Immigration Officer will not be in a position to consider the request of the petitioner.

6. On the other hand, the learned counsel for the petitioner submitted that the documents already produced by the petitioner are sufficient to consider her request.

7. Learned counsel for the respondents also submitted that the petitioner was duly informed by way of email about the insufficiency of the documents and even then, the petitioner did not appear before the Immigration Officer with relevant documents.

8. This Court, at this stage, is not expressing any view on the merits of the rival contentions, as it is for the petitioner to appear before the Immigration Officer and produce all the necessary documents so as to enable the respondents to consider the request of the petitioner. Since it is stated that the Tourist Visa granted to the petitioner expires on 19.04.2019, the petitioner is directed to appear before the Immigration

Officer namely, the 3rd respondent by tomorrow(10.04.2019) with relevant documents so as to enable the 3rd respondent to consider the claim of the petitioner. It is also made clear that this Court is not expressing any view on the merits of the documents already filed by the petitioner, as it is for the 3rd respondent to get himself satisfied with the documents for the purpose of considering the request of the petitioner.

9. Accordingly, the Writ Petition is disposed of by directing the petitioner to approach the 3rd respondent tomorrow (10.04.2019) and produce all the documents as required by the 3rd respondent. On production of the documents, the 3rd respondent shall pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Govt. of India,
The Union of India, Ministry of External Affairs,
New Delhi.
2. The Foreigners Regional Registration Office,
Bureau of Immigration, Shastri Bhavan Annexure,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.
3. The Immigration Officer,
Bureau of Immigration, Shastri Bhavan Annexure,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.

+1 cc to Mr.R.C.Paul Kanagaraj, Advocate, S.R.No.34952

+1 cc to Ms.Sunita Kumari, Advocate, S.R.No.34509

W.P.No.10484 of 2019

NRJK(CO)
SSM(09/04/2019).