

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.2774 of 2018

K.Sundar Lingam @ Sundaram .. Petitioner

Vs

1.Foreigners Regional Registration Officer,
Shastri Bhavan Annexe (Ground Floor),
26, Haddows Road, Chennai - 9.

2.Assistant Foreigners Regional
Registration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai - 600 027.

3.The Inspector of Police,
S2 Meenambakkam Police Station,
Airport, Chennai - 27. ..

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the third respondent to produce the body of the petitioner's son S.Anand, aged 27 years before this Court and set him at liberty.

For Petitioner .. Mr.K.Raja
For Respondents.. Mr.Venkatasamy Babu
for R1 & R2
Mr.C.Iyyappa Raj,
Addl. Public Prosecutor for R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Seeking a direction to the third respondent to produce the body of the petitioner's son S.Anand, aged 27 years before this Court and set him at liberty, the present habeas corpus petition has been filed.

2.From the submissions made, one thing is clear that the son of the petitioner has already been deported to Srilanka. Learned counsel appearing for the petitioner submitted that a difficult situation has arisen. One is with respect to expiry of the passport of the petitioner's son and the other is that the petitioner and his wife are living in India. The deportation itself is contrary to the undertaking given by respondents 1 and 2.

3.Learned counsel appearing for respondents 1 and 2 would submit that nothing survives for adjudication in this proceedings. If the petitioner has got any grievance, he can come out with a comprehensive writ petition and not by way of habeas corpus petition.

4.Learned counsel appearing for the petitioner, by way of reply, submitted that respondents 1 and 2 may be directed to indicate their stand in this regard so that the petitioner and his son would know about the same so as to enable them to take legal recourse.

5.Considering the submissions made, while holding that nothing survives for adjudication with respect to the detention is concerned, we direct respondents 1 and 2 as the case may be, to communicate the decision for deportation to the petitioner, if it has not been sent already. Such an order will have to be served on the petitioner since his son is at present in Srilanka. Required orders will have to be passed within a period of eight weeks from the date of receipt of a copy of this order. We make it clear that all the issues are left open to be adjudicated in the appropriate proceedings.

6.With the above observation and direction, this habeas corpus petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Foreigners Regional Registration Officer,
Shastri Bhavan Annexe (Ground Floor),
26, Haddows Road, Chennai - 9.

2.The Assistant Foreigners Regional
Registration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai - 600 027.

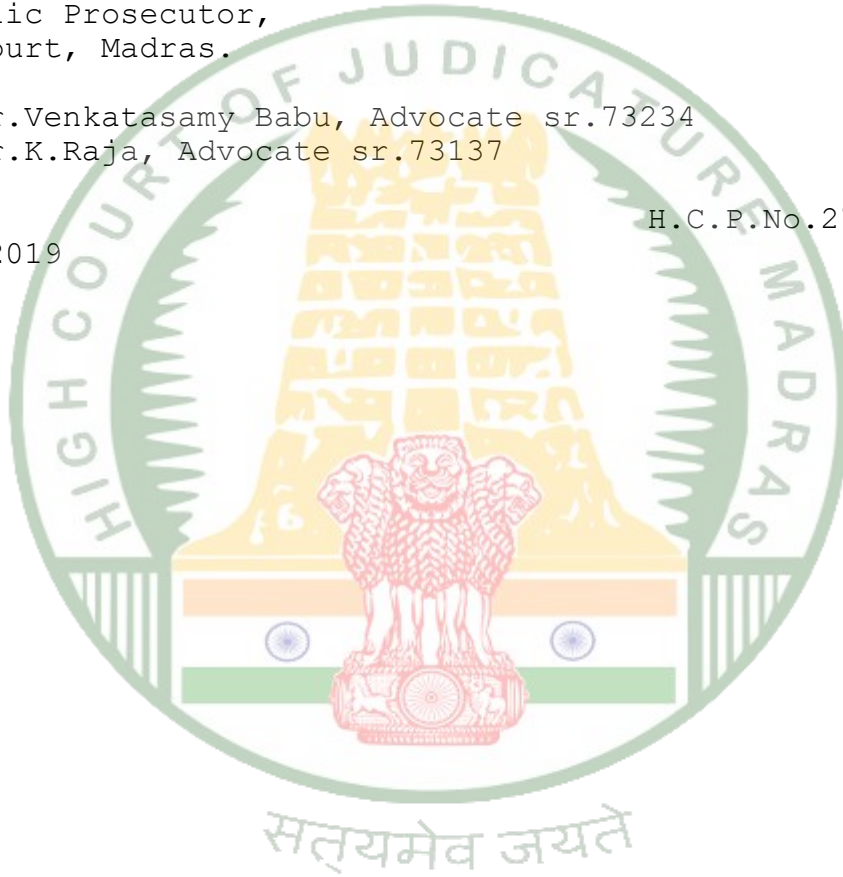
3.The Inspector of Police,
S2 Meenambakkam Police Station,
Airport, Chennai - 27.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Venkatasamy Babu, Advocate sr.73234
+1cc to Mr.K.Raja, Advocate sr.73137

H.C.P.No.2774 of 2018

nr 30/09/2019



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