



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.5687 of 2019

and

W.M.P. (MD) Nos.4489 and 4490 of 2019

Tharsini Paramsothy

... Petitioner

Vs

1.The Home Secretary,
Ministry of Home Affairs,
NDCC - II Building,
Jaisingh Road,
New Delhi-110 001.

2.The Foreigners Regional Registration Officer,
Foreigners Regional Registration Officer,
No.26, Haddows Road,
Shastri Bavan Annexe,
Nungambakkam,
Chennai-6.

3.The Foreigner Registration Officer,
Foreigner Registration Office,
Office of Commissioner of Police,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 08.01.2018 issued by the 1st respondent read along with impugned order in C.No.193/FRB/IS/COP/TRC/2019, dated 01.03.2019 issued by the 3rd respondent and quash the same and consequently direct the respondents to grant exit permit to the petitioner in application ID: TN 1200044217, dated 05.10.2017 based on the representation of the petitioner, dated 13.02.2019.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.P.Panneer Selvam
Central Government Standing Counsel for R1 & R2

: Mr.M.Rajarajan
Government Advocate for R3

**ORDER**

Heard the learned counsel on either side.

2.The writ petitioner is a citizen of United Kingdom. She is a person of Srilankan region. The petitioner's personal life is quite chequered. It is not necessary to narrate all the facts. Suffice it to say that she developed friendship with one Arvind and later got married to him on 26.10.2012. A girl child namely., Havisha was born through her marriage with the said Arvind on 05.08.2013. The said child is a British national.

3.The writ petitioner, Arvind and the child were living together at Chennai. It appears that the relationship between the writ petitioner and the said Arvind broke down. The said Arivind filed H.M.O.P.No.3197 of 2014 before the Family Court, Chennai, seeking dissolution of his marriage with the writ petitioner herein. In the said H.M.O.P., the petitioner had remained ex-parte and it is still pending. Thereafter, the said Arvind filed G.W.O.P.No.318 of 2015 in the original side, Madras High Court, Chennai, seeking guardianship as well as custody rights over the child. The said G.W.O.P., is also pending.

4.The petitioner earlier got the custody of the child by filing H.C.P.No.464 of 2014, before the Principal Seat of Madras High Court. Now the petitioner wants exit permit to go back to United Kingdom. The request was denied by the order dated 01.03.2019 issued by the third respondent and it is under challenge in this writ petition.

5.The third respondent, who passed the impugned order has filed a detailed counter.

6.The stand taken by the third respondent is that in view of pendency of H.M.O.P.No.3197 of 2014 and G.W.O.P.No.318 of 2015, filed by her husband namely., Arvind, it is not possible to issue exit permit.

7.I am of the view that this objection is patently unsustainable. It is not in dispute that the petitioner is asking for grant of exit permit only for herself. There is no criminal case registered against the writ petitioner. There is no statutory ground for denying the issuance of exit permit also. No Court of competent jurisdiction has restrained the third respondent from issuing exit permit in favour of the writ petitioner. Therefore, third respondent is not justified in declining to issue exit permit in favour of the writ petitioner. In this view of the matter, the order impugned in this writ petition is set aside and the third respondent is directed to issue exit permit forthwith without any delay, in any event, within a period of 10 days from the date of receipt of a copy of this order.



8.The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS IV)

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To

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+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-55855[F] dated 22/03/2019)

+1 CC to M/s.P.PANNEER SELVAM, Advocate (SR-55841[F] dated 22/03/2019)

+1 CC to M/s.SPL GP (SR-56130[F] dated 22/03/2019)

W.P. (MD) No.5687 of 2019
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