



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17904 of 2019
and W.M.P. (MD) No.14352 of 2019

S.Ameena

... Petitioner

Vs.

1.The Chief Immigration Officer,
O/o. The Chief Immigration Office,
Tiruchirappalli International Airport,
Tiruchirappalli.

2.The Immigration Officer,
O/o. The Chief Immigration Office,
Tiruchirappalli International Airport,
Tiruchirappalli.

3.The Inspector of Police,
Sellur Police Station,
Madurai.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent No.1 to permit the petitioner to travel abroad and provide adequate compensation to the petitioner.

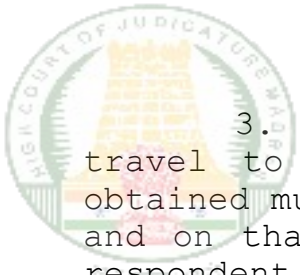
For Petitioner
For Respondents

:Mr.S.M.A.Jinnah
:Mr.V.Kathirvelu for R1 and R2
Assistant Solicitor General
assisted by Ms.V.Ragavanthre
Mr.P.Kannithevan for R3
Additional Government Pleader

ORDER

The prayer in the writ petition is for issuance of a writ of Mandamus to direct the first respondent to permit the petitioner to travel abroad and provide adequate compensation to the petitioner.

2. Heard the learned counsel for the petitioner, the learned Assistant Solicitor General for the respondents 1 and 2 and the learned Additional Government Pleader for the third respondent.



3. The petitioner is already a passport holder and in order travel to the country called "Malaysia", the petitioner, having obtained multiple entry Visa, booked ticket for travel on 05.08.2019 and on that date, when she reported at Trichy Airport, the second respondent has prevented her from boarding and the respondents made an endorsement in the passport as "CWP" without disclosing any further reason to the petitioner and thereby the petitioner's travel on 05.08.2019 was prevented. Thereafter also, the petitioner has not been given any specific reason for preventing her from travelling to Malaysia and in this regard, the petitioner seems to have given a representation on 13.08.2019 through E-mail to the first respondent, as she has to attend a marriage of her relative scheduled to be conducted on 18.08.2019 at Malaysia, the learned counsel for the petitioner seeks indulgence of this Court due to the said urgency.

4. On notice, the learned Assistant Solicitor General appeared before this Court and on oral instructions, he submitted that, due to some plausible reason, the Immigration Department prevented the petitioner from travelling to Malaysia, on 05.08.2019 and also on subsequent date. However, since the petitioner seems to have given a representation, ie., on 13.08.2019 through e-mail, in view of the urgency that, she has to attend the marriage scheduled on 18.08.2019, the said representation would be considered by the first respondent on merits and accordingly, a decision would be taken thereon.

5. Having regard to the said submissions made by both sides and taking into account the factual matrix and in view of the urgency, as projected by the learned counsel for the petitioner, this Court is inclined to dispose of this writ petition with the following direction at the admission stage itself:

"That the first respondent is hereby directed to consider the representation of the petitioner dated 13.08.2019 sent through e-mail as well as through registered post and decide the same immediately on merits and ultimately if the first respondent decides in favour of the petitioner, consequently, she can be permitted to go to Malaysia, as claimed by her, otherwise if any decision is taken by the first respondent to reject the claim of the petitioner, that also shall be intimated to the petitioner forthwith. The needful as indicated above shall be done immediately within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar



To

1.The Chief Immigration Officer,
O/o. The Chief Immigration Office,
Tiruchirappalli International Airport,
Tiruchirappalli.

2.The Immigration Officer,
O/o. The Chief Immigration Office,
Tiruchirappalli International Airport,
Tiruchirappalli.

3.The Inspector of Police,
Sellur Police Station,
Madurai.

+2 CC to M/s.S.M.A. JINNAH, Advocate (SR-81630[F] dated
14/08/2019)

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14.08.2019

RR

JM/14.08.2019/3P/6C