



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.18676 of 2019

and

W.M.P(MD).No.15050 of 2019

WEB COPY

G.Victoriya

... Petitioner

/Vs./

1.The Foreigners Regional Registration Officer,
Shastri Bhavan Annexe Building,
26, Haddows Road, Nungambakkam,
Chennai-600 006.

2.Immigration Officer (Inspector-Immigration)
Immigration Cell, Madurai Airport,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the stamping as CWOP in the petitioner's passport and quash with regard to the stamping affixed as CWOP in the petitioner's passport by the second respondent herein and consequently pass an order directing the respondents to allow the petitioner to have a peaceful air travel as planned to Dubai, in consequence direct the respondents to pay suitable compensation for the cancellation of air travel to and fro of Dubai on 06.08.2019.

For Petitioner : Mr.B.A.Muruganantham

For Respondents : Mr.V.Kathirvelu

Assistant Solicitor General
instructed by Mr.Irulappan
Central Government Standing Counsel

ORDER

Mr.B.A.Muruganantham, learned counsel on record for writ petitioner and Mr.V.Kathirvelu, learned Senior Counsel and Assistant Solicitor General instructed by Mr.Irulappan, learned Central Government Standing counsel on behalf of both respondents are before this Court.

2.The entire writ petition turns on a very narrow compass.

3.With consent of learned counsel for writ petitioner and learned Senior Counsel/Assistant Solicitor for the respondents, main writ petition is taken up, heard out and is being disposed of.



4.Writ petitioner obtained an Indian passport on 03.07.2019 and the same is valid till 02.07.2029.

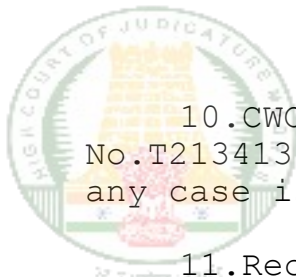
5.Considering the trajectory of the hearing today (30.10.2019), it may not be necessary to advert to all the facts that have been averred in the pleadings.

6.Learned counsel for writ petitioner submitted that he abridges the scope of instant writ petition as well as the scope of the prayer. Saying so, learned counsel, on instructions, submitted that the writ petitioner limits the prayer to removal of a stamping in aforesaid writ petitioner's passport made on 06.08.2019 which is referred to as 'CWOP stamping'. This Court is informed that 'CWOP' stands for 'Cancellation Without Prejudice'.

7.The aforesaid stamping in the writ petitioner's passport was made on 06.08.2019 by the Immigration Officer, Madurai (second respondent herein), when the writ petitioner was about to board a flight to Dubai (United Arab Emirates i.e., UAE) on 06.08.2019.

8.While writ petitioner submits that she was travelling to Dubai to attend to her Aunt (mother's younger sister) who had a test-tube baby, it is the case of the respondents, as articulated by learned Assistant Solicitor, that the writ petitioner carrying her educational qualification certificates and saying that she intends to attend an interview in Dubai necessitated the impugned CWOP stamping. It is also submitted by learned Assistant Solicitor that writ petitioner in addition to mentioning to the Immigration authority that she intends to attend an interview was unable to explain, her return ticket being routed to Chennai. Be that as it may, in the light of the limited prayer and in the light of the fair stand taken by learned Assistant Solicitor, it may not be necessary to dilate on these facts any further.

9.As already alluded to supra, learned counsel for writ petitioner had limited the prayer to quashing/setting aside of CWOP stamping alone. Learned Assistant Solicitor submits that CWOP is only with regard to that particular travel and it does not impede or come in the way of any future travel or the validity of the passport. In this regard, learned Assistant Solicitor drew the attention of this Court to VISA issued by the host country, namely UAE and submitted that VISA itself is a three months tourist VISA, issued on 30.07.2019 and it expired on 27.09.2019. In other words it is the submission of learned Assistant Solicitor that entire CWOP stamping has now become infructuous. This is recorded. The submission made on behalf of respondents that this CWOP stamping in the writ petitioner's passport will not affect any further request by the writ petitioner to travel abroad is also recorded.



10.CWOP stamping in writ petitioner's passport bearing Passport No.T2134130 made on 06.08.2019 by the second respondent, which in any case is said to have become infructuous, is quashed/set aside.

11.Recording the aforementioned submission, instant Writ Petition is ordered with above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The Foreigners Regional Registration Officer,
Shastri Bhavan Annexe Building,
26, Haddows Road, Nungambakkam,
Chennai-600 006.

2.Immigration Officer (Inspector-Immigration)
Immigration Cell, Madurai Airport,
Madurai.

+1 CC to M/s.B.A.MURUGANANTHAM, Advocate (SR-95026[F] dated 31/10/2019)

+1 CC to M/s.I.IRULAPPAN, Advocate (SR-95281[F] dated 31/10/2019)

W.P(MD)No.18676 of 2019
30.10.2019

KK/SAR/13.11.2019/3P-5C/