



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

WEB COPY

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD).No. 19162 of 2019

Kanimozhi

... Petitioner

Vs.

1. The Superintendent of Police
Thanjavur District
Thanjavur
2. The Inspector of Police
Papanadu police Station
Thanjavur District
3. The Chief Immigration Officer
Shastri Bhavan Annex Building
No.26, Haddows Road
Nungampakkam, Chennai- 76

...Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 1st respondent herein to communicate the order of lifting travel restriction imposed in pursuance of the lookout circular issued against the petitioner in connection with Crime No. 88 of 2019 on the file of the second respondent on the basis of petitioner's representation dated 30.07.2019.

For Petitioner : Mr.G. Mathavan

For Respondents : Mr.R.Anandharaj
No.1 & 2 Additional Public Prosecutor

No.3 : Mr.V.Kathirvelu,
Senior Counsel for
V.Maliydenran, CGSC

ORDER

This Petition has been filed to direct the 1st respondent herein to communicate the order of lifting travel restriction imposed in pursuance of the lookout circular issued against the



petitioner in connection with Crime No. 88 of 2019 on the file of the second respondent on the basis of petitioner's representation dated 30.07.2019.

2. It is the grievance of the petitioner that the second respondent police registered a case against him in Crime No. 88 of 2019 for the offences under Sections 153, 153(A), 504, 505(2) of IPC r/w. 67 of Information Technology Act when he was working in Singapore. After that when the petitioner came to India surrendered before the second respondent police and released on bail by the learned District Munsif cum Judicial Magistrate, Orathanadu in Cr.M.P.1374 of 2019 and complying with the conditions regularly. Thereafter the petitioner decided to return back to Singapore on 14.07.2019 at that time the airport authorities stated that the first respondent police issued lookout circular against him and the same was still in force. Hence was not in a position to travel to Singapore in view of the look out circular issued by the first respondent. Thereafter on 30.07.2019 the petitioner has submitted a representation to the respondents on 30.07.2019 to withdraw the lookout circular issued against him, which is still pending. Therefore he has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the first respondent to consider the petitioner's representation dated 30.07.2019 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Superintendent of Police
Thanjavur District
Thanjavur

2. The Inspector of Police
Papanadu police Station
Thanjavur District

3. The Chief Immigration Officer
Shastri Bhavan Annex Building
No.26, Haddows Road
Nungampakkam, Chennai- 76

+1 CC to M/s.V. MALAIYENDRAN, Advocate (SR-85457[F] dated
05/09/2019)

+1 CC to M/s.G.MATHAVAN, Advocate (SR-85548[F] dated 06/09/2019)

W.P (MD).No.19162 of 2019
05.09.2019

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