

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.16478 of 2019

Mano Bichemane

.. Petitioner

..Vs..

1.The Deputy Secretary to Government,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

2.The Chief Immigration Officer,
26, Shastribhavan Annex,
Haddows Road, Nungambakkam,
Chennai-600 034.

3.The Foreigners Regional Registration Officer (FRRO),
Bureau of Immigration,
(MHA) Government of India,
Chennai-600 006.

4.The Airport Director,
Chennai International Airport,
Meenambakkam,
Chennai-600 027.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to remove the name of the petitioner from the permanent "Ban Entry" category dated 02.03.2016.

For Petitioner : Mr.V.Iyyappan

For Respondents: Mr.S.Thiruvengadam

Central Government Standing Counsel

O R D E R

Mr.S.Thiruvengadam, learned Central Government Standing Counsel takes notice for the respondents.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the first respondent to remove the name of the petitioner from the permanent "Ban Entry" category dated 02.03.2016.

3.The case of the petitioner is that he is a French National with Indian Origin. Now, he is residing in France. He was born in India and his relatives are residing in Puducherry. During the year 1996, he came to India to meet his relatives. On 06.02.1996, the Airport Immigrant Authorities attached with the Madras Meenambakkam Airport had arrested the petitioner for offences under Sections 132, 135(1), (a) (1) & 135 (1) (b) (1) of Conservation of Foreign Exchange and Prevention of Smuggling Activities Act(India). He was detained in Central Prison. Thereafter, a final report was filed by the Assistant Commissioner Customs Department, Chennai in O.M.No.18 of 1996 against the petitioner before the learned Judicial Magistrate, Saidapet, which was taken cognizance as C.C.No.155 of 1997. After trial the learned Judicial Magistrate held the petitioner guilty and convicted him and sentenced him to undergo imprisonment and also to pay fine. Since, he failed to pay the fine amount, he was directed to undergo imprisonment for that default. He also paid a sum of Rs.50,000/- as penalty, as imposed by the Commissioner of Customs-II, Chennai. After completing all his sentence, he left India on 03.09.1998 to France. Later, he tried to come back to India on 30.12.1999. He was not permitted to enter the country for a period of 5 years. Later his mother died and he again tried to come back to India and again Visa was refused. Subsequently, Visa was granted in March 2007. Thereafter, the petitioner submitted his representation on 25.05.2010, requesting to remove his name from the immigration warning/banned/Black list, but, it is grievances that no action was taken. Thereafter, on 23.08.2012 he gave another representation. Even, then, no action was taken. Later, he entered India without any valid Visa and he was arrested and thereafter, released on bail, by an order dated 21.01.2014, by the learned Principal Sessions Judge, Puducherry. This case was taken cognizance as in C.C.No.558 of 2015 by the learned Judicial Magistrate-I, Puducherry. After trial, the learned Judicial Magistrate-I convicted the petitioner and imposed a fine amount of Rs.10,000/- and directed the authorities to repatriate the petitioner from India. The petitioner submitted further representations through e-mail, hard copy and also directly, before the concerned authorities, but, after his grievances is that till date his representations have not been considered by the authorities. Hence, the present writ petition.

4.The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to remove the name of the petitioner from the permanent "Ban Entry" category dated 02.03.2016.

5.The learned counsel for the respondents submitted that the third respondent would consider the limited request made by the learned counsel for the petitioner.

6. Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, this Court is inclined to issue a direction to the first respondent to examine all the records and pass appropriate orders on or before 31.03.2020 in accordance with law.

7.With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

tta
To

1.The Deputy Secretary to Government,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

2.The Chief Immigration Officer,
26, Shastribhavan Annex,
Haddows Road, Nungambakkam,
Chennai-600 034.

3.The Foreigners Regional Registration Officer (FRRO),
Bureau of Immigration,
(MHA) Government of India,
Chennai-600 006.

4.The Airport Director,
Chennai International Airport,
Meenambakkam,
Chennai-600 027.

+1 cc to Mr.M.Guruprasad Advocate sr8760
+1 cc to Mr.S.Thiruvengadam Advocate sr7979
+1 cc to Mr.M.Palanimuthu Advocate sr7944

W.P.No.16478 of 2019

aa17/02/2020