

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2020

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.35738 of 2019

Pradeepan

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Tamil Nadu Refugees and Rehabilitation Department,
Secretariat, Fort St.George, Chennai.

2.The Director,
Refugees and Rehabilitation Department,
Ezhilagam, Chepakkam, Chennai - 5.

3.The District Collector,
District Collectorate Office,
Dharmapuri District.

4.The Speical Tahsildar, (Refugees),
District Collectorate Office,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue Writ of Certiorarified
Mandamus, directing the respondents to give refugee status to
the petitioner and permit the petitioner to reside at refugee
camp at Thoppur along with the petitioner family.

For Petitioner : Mr. G.Kesavan

For Respondents: Mr. P.Rajalakshmi
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of mandamus
directing the respondents to give refugee status to the
petitioner and permit the petitioner to reside at refugee camp
at Thoppur along with his family.

2. The learned counsel for the petitioner submitted that the petitioner who is now 23 years has been residing at Thoppur refugee camp along with his family members. He had completed his schooling and degree in Tamilnadu and is also working in Private Company. Thereafter, the petitioner is father underwent surgery and with the aid of UNHCR returned to Srilanka through one way passport. The petitioner also went to Srilanka through exit permit visa. He was permitted to leave the camp by the order of District Collector in February 2019. Thereafter the petitioner came back to India through Medical Visa and he now claims refugee status.

3. The learned counsel for the respondent submitted that petitioner is a Srilankan citizen and holds a Srilankan passport bearing No.8313780 in his name. The petitioner had entered India through a Medical Visa No.VK9673026. The Medical Visa expired on 24.08.2019 and after the date of expiry of the Visa granted to the petitioner, the petitioner cannot claim a refugee status, rather the petitioner can be termed as an Illegal Immigrant. He further submitted that the respondent has passed proceedings in Roc.No.C2/10064/2019 dated 17.09.2019, stating that the petitioner cannot be given refugee status as he had entered India through Medical Visa and the same has expired. In support of his contention he has relied upon the judgment report in AIR 2015 Mad 65 in the case of Gnanaprakasam Vs. Government of Tamil Nadu and others, wherein this Court had held as follows:

"We are of the view that the very maintainability of the P.I.L filed on behalf of Sri Lankan citizens is in question. Not only that, the petitioner seems to be confusing the issue by claiming equality of rights with citizens of the country, something which is not permissible. There cannot be an absolute constitutional protection for a non-citizen by extending all the provisions of the Constitution of India to him."

4. In view of the above dictum, I hold that this Court cannot grant any mandamus, directing the respondents to give refugee status to the petitioner. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

rst

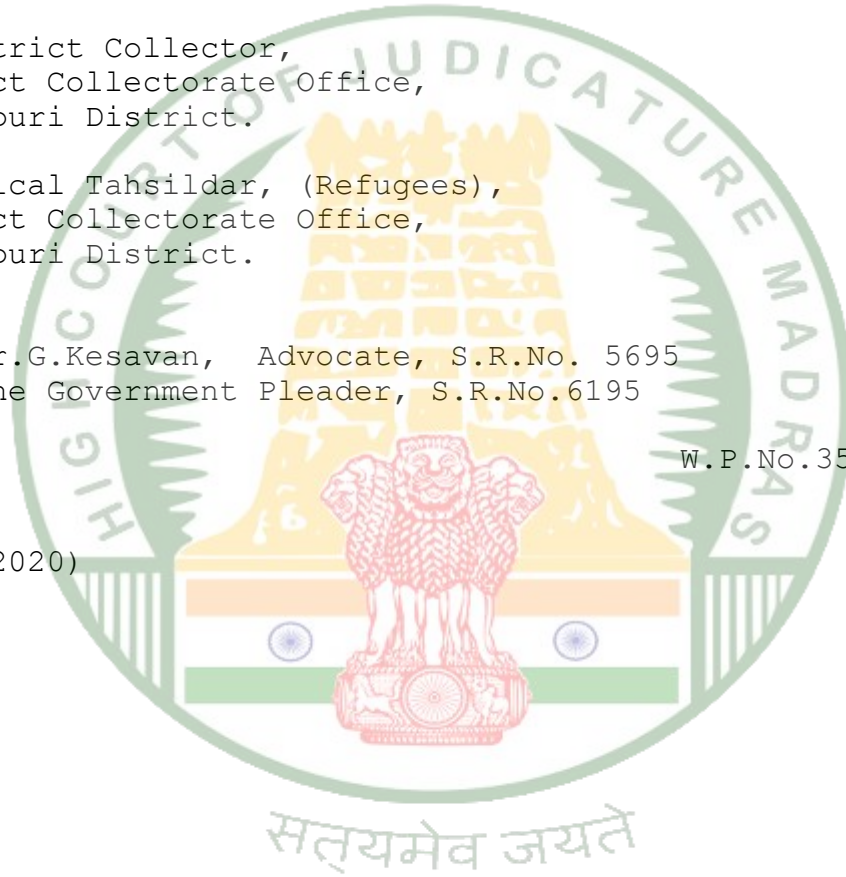
To

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Tamil Nadu Refugees and Rehabilitation Department,
Secretariat, Fort St.George, Chennai.
- 2.The Director,
Refugees and Rehabilitation Department,
Ezhilagam, Chepakkam,
Chennai - 5.
- 3.The District Collector,
District Collectorate Office,
Dharmapuri District.
- 4.The Speical Tahsildar, (Refugees),
District Collectorate Office,
Dharmapuri District.

+1cc to Mr.G.Kesavan, Advocate, S.R.No. 5695
+1cc to the Government Pleader, S.R.No.6195

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NMI (CO)
GN(13/03/2020)



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