

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9280 of 2021

Linesh P.Shah

... Petitioner

Vs

1. The Deputy Director/IMM,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
East Block-8, Level-4, Sector I,
R.K.Puram, New Delhi 110 066.

2. The Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhavan, Annexe Blog,
26, Haddows Road,
Chennai 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents to consider the representations dated 14.10.2020 and 05.02.2021 in accordance with law within a stipulated time period.

* * *

For Petitioner : Mr.M.Ramesh

For Respondents : Mr.B.Rabu Manohar,
Senior Central Government
Standing Council

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O R D E R

Mr.B.Rabu Manohar, learned Senior Central Government Standing Counsel appears on behalf of the respondents.

2. With the consent of the learned counsel for the petitioner and the learned Senior Central Government Standing Counsel, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition has been filed seeking a direction to the respondents to consider the representations of the petitioner dated 14.10.2020 and 05.02.2021 in accordance with law within a time frame to be fixed by this Court.

4. It is stated that the petitioner got married to one Ms. Rachana D. Mehta on 15.02.2009. Due to difference of opinion between them, the wife filed a divorce petition before the Family Court, Ahmedabad against her husband/petitioner herein for divorce. Thereafter, the marriage was dissolved and a maintenance amount was fixed by the Family Court, Ahmedabad. Since the petitioner was in America at the relevant point of time, he did not know the full details of the orders passed by the Family Court. Hence, he could not pay the amount in time and hence, the Family Court, Ahmedabad issued a Look Out Notice (LOC) against the petitioner. Pursuant to the said LOC, the petitioner was detained, when he arrived in India. Thereafter, the petitioner paid the entire arrears of maintenance amount and prayed for an order to remove his name from LOC. On 13.02.2019, the second respondent had sent a communication to the Family Court, Ahmedabad, requesting to intimate the first respondent to remove the petitioner's name from LOC database. Therefore, the Family Court, Ahmedabad, by an order dated 23.07.2019, directed the first respondent to cancel the LOC issued against the petitioner. In spite of receipt of the communication dated 23.07.2019, the respondents have not taken any action to remove his name from LOC database. Hence, the petitioner's father sent a detailed representation to the respondents on 14.10.2020 to delete / remove the petitioner's name from LOC database, which was received by the respondents on 20.10.2020. Since no action was taken on the said representation, the petitioner also sent a representation to the respondents on 05.02.2021 seeking to remove his name from LOC. However, till date, no action was taken. Hence, this Writ Petition has been filed seeking for the relief stated supra.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representations dated 14.10.2020 and 05.02.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

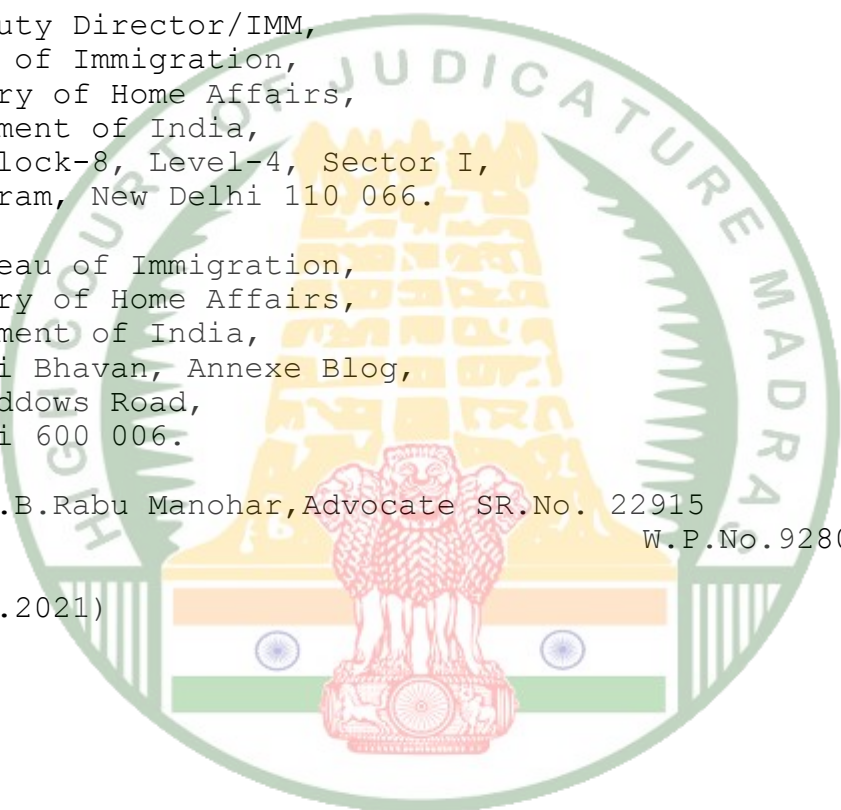
srn
To

1. The Deputy Director/IMM,
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+1cc to Mr.B.Rabu Manohar, Advocate SR.No. 22915

W.P.No.9280 of 2021

AD (CO)
A.SK(17.06.2021)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The entire emblem is set against a white background with a green border. The words 'HIGH COURT OF MADRAS' are written in a circular path around the emblem. Below the emblem, the motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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