

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.13177 OF 2020

Llian Zdravkov Markov

.. Petitioner

Vs

1. The Principal Secretary to
the Government (FAC)
Government of Tamil Nadu
Public (Foreigners-I) Department,
St.George Fort, Chennai.
2. The State Rep. by
The Inspector of Police,
Central Crime Branch - I,
Chennai.
(Ref. Crime No.160/2019, dated 08.05.2019)
3. The District Collector/District Magistrate
Office of the District Collector,
Trichirapalli District.
4. The Officer in charge,
Special Camp,
Trichirapalli District.
5. The Additional Secretary,
Ministry of External Affairs,
Cell for Covid-19, Jawaharlal Nehru Bhawan,
New Delhi - 110 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to consider the representation dated 30.03.2020 of the Embassy of Bulgaria, New Delhi and temporarily release the petitioner from the Special Camp and allow me to stay within the jurisdiction of Judicial Magistrate, Alandur, Kanchipuram.

For Petitioner : Mr.C.Arun Kumar

For Respondents: Mr.R.Prathap Kumar,
Addl.Public Prosecutor for R1 to R4

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

Admittedly, the petitioner is a foreign national, who was involved in an offence in India and was released on bail. Since his Indian Visa had expired, he is presently lodged in foreigners camp under the order of the Government of Tamil Nadu. The petitioner filed H.C.P.No.2671 of 2019, challenging the detention under the Foreigners Act, which has been dismissed by this Court on 13.01.2020. Thereafter, it appears that the Embassy of Bulgaria has sent a representation to the District Collector, Trichy on 30.03.2020 to consider the case of the petitioner. Therefore, the petitioner has filed the present writ petition with the above prayer.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for respondents 1 to 4.

3.In the opinion of this Court, the Embassy of Bulgaria is a sovereign entity and is an extension of the state of Bulgaria. The Embassy of Bulgaria cannot directly interfere into the internal affairs of this country and any representation by them should be forwarded to the Foreign Department of the Indian Government and not to the Indian officials. Therefore, there is no statutory requirement for the District Collector to entertain the representation of the Embassy of Bulgaria and pass appropriate orders.

4.In such view of the matter, a mandamus cannot be issued to the District Collector, as prayed for by the petitioner.

5.In the result, the writ petition stands dismissed as devoid of merits. No costs.

6.It appears that a learned single Judge of this Court in CrI. O.P.No.30574 of 2019 by order dated 14.11.2019 directed the Inspector of Police, Central Crime Branch, Chennai to complete the investigation in Crime No.160 of 2019 and file a final report as expeditiously as possible, since the petitioner

is a foreign national. Accordingly, the second respondent is directed to comply with the order passed by the learned single Judge.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to
the Government (FAC)
Government of Tamilnadu
Public (Foreigners-I) Department,
St.George Fort, Chennai.
2. The Inspector of Police,
Central Crime Branch - I, Chennai.
3. The District Collector/District Magistrate
Office of the District Collector,
Trichirapalli District.
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5. The Additional Secretary,
Ministry of External Affairs,
Cell for Covid-19, Jawaharlal Nehru Bhawan,
New Delhi - 110 001.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Arun Kumar, Advocate, S.R.No.12842

GSM(CO)
CS/30/03/2021

W.P.No.13177 of 2020

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