



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.18810 of 2021

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Azeela @ Mary

... Petitioner

vs.

1.The Chief Immigration Officer,
Tiruchirappalli City,
Tiruchirappalli District.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli District.

3.The Superintendent of Police,
Thanjavur District, Thanjavur.

4.The Inspector of Police,
Airport Police Station,
Tiruchirappalli City,
Tiruchirappalli District.

5.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

6.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to issue No Objection Certificate so as to permit the petitioner to visit Sri Lanka on the basis of the petitioner's representation dated 07.01.2021.

For Petitioner	: Mr.Sankaran for Mr.A.Arunprasad
For R1	: Ms.L.Victoria Gowri Assistant Solicitor General of India
For R2 to R6	: Mr.T.Senthilkumar, Additional Public Prosecutor



ORDER

Heard the learned counsel for the petitioner, the learned Assistant Solicitor General of India for R1 and the learned Additional Public Prosecutor for the respondents 2 to 6.

2.The petitioner wants this Court to direct the respondents to issue NOC so that the petitioner can visit Srilanka and return in a months time. In this regard, the petitioner has given a representation dated 07.01.2021. Since her request did not elicit any response, this writ petition came to be filed.

3.The learned Assistant Solicitor General of India appearing for the first respondent submitted that in view of the petitioner's bad antecedents, it is not possible to grant NOC sought for by her. She would point out that the writ petitioner is a Srilankan National. She came to India on a Srilankan passport. But she had forged an Indian passport and in that regard, a criminal case was registered against her. She also forged her husband's signature and opened a bank account in his name. The husband also gave a police complaint against her. So a second case was registered against her. The petitioner and her husband were not on good terms. In such a background, the petitioner's husband was found murdered. The petitioner's name was implicated in that criminal case. The case is pending trial in S.C No.147 of 2021 on the file of the Sessions Court, Thanjavur.

4.The learned Assistant Solicitor General of India and the learned Additional Public Prosecutor would submit that in normal circumstances, the practice is to direct the petitioner to move the trial court for getting permission to travel abroad and that therefore, this writ petition is not maintainable.

5.I carefully considered the rival contentions and went through the materials on record. The objections raised by the learned Assistant Solicitor General of India as well as the Additional Public Prosecutor are strong and formidable. But what tilts my discretion in favour of the petitioner is the petitioner's conduct on the earlier occasion. The petitioner had earlier filed WP(MD) No.1558 of 2019. A learned Judge of this Court had granted permission to the petitioner to go abroad vide order dated 26.03.2019. The following conditions were imposed in the said order :

"8.Accordingly, this Court allows the petition on the following conditions:

a). The petitioner is directed to deposit the passports of her minor children Yunus and Ameera with the concerned Magistrate, which are returnable on her arrival to India.

b).Make a cash deposit of Rs.1,00,000/- (Rupees One Lakh only) with the concerned Court which is returnable



on her arrival to India.

c). She shall execute a fresh bond for her appearance for Rs.25,000/-. (Rupees Twenty Five Thousand only) along with two sureties for like sum, to the satisfaction of the Trial Court.

d).The petitioner is directed to intimate her details of the temporary passport proof of address where her father resides and where she is going to visit, both to the Trial Court and to the Investigating Officer.

e).The petitioner is also directed to intimate the date of departure and arrival to the Investigating Officer and also to the concerned Magistrate Court.

9.The petitioner is directed to report before the concerned Magistrate Court on 11.04.2019."

6.The petitioner complied with the said conditions and returned to India in terms of her undertaking given before this Court. The learned counsel for the petitioner states that the petitioner is having two minor children and that they would be left in the custody of some relative and that the details of the same will be duly intimated to the first respondent as well as the third respondent. The petitioner alone will leave India for Srilanka. When the petitioner leaves India, the fourth respondent will make appropriate enquiry to ensure that the minor children of the petitioner are very much left behind. The petitioner also undertakes to produce the original title deed of the apartment situated at Vilar Road, Quide Milleth Nagar, Thanjavur before the Sessions Court as security. The said property is said to be unencumbered. The petitioner shall execute a personal bond for her appearance for a sum of Rs.1.00 crore. If there is any breach of the bond condition, the concerned authority will be entitled to invoke the provisions of the Revenue Recovery Act.

7.The undertaking given by the petitioner through her counsel is placed on record. Accordingly, this writ petition is allowed on the following conditions :

a) the petitioner is directed to deposit the passports of her minor children namely, Yunus and Ameera before the Sessions Court, Thanjavur in which S.C No.147 of 2021 is pending.

b) she will also execute a fresh bond for a sum of Rs.1.00 crore and also deposit the aforesaid original title deed by way of security before the said court.

c) the petitioner shall return to India on the 30th day of after she leaves India.

d) the petitioner is directed to intimate the details of address where her father resides and where



she is going to visit, both to the Sessions Court and to the Investigating Officer concerned.

e) the petitioner is also directed to intimate of date of departure and arrival to the investigating officer and also to the said court.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Thanjavur.
- 2.The Chief Immigration Officer,
Tiruchirappalli City, Tiruchirappalli District.
- 3.The Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli District.
- 4.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 5.The Inspector of Police, Airport Police Station,
Tiruchirappalli City, Tiruchirappalli District.
- 6.The Inspector of Police, Thanjavur Taluk Police Station,
Thanjavur District.
- 7.The Inspector of Police, Vallam Police Station,
Thanjavur District.

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-36651[F] dated 30/11/2021)

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29.11.2021

RS (01.12.2021) 4P 9C

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