



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P (MD)Nos.22999 & 23000 of 2021

and

W.M.P (MD)Nos.19495 & 19490 of 2021

W.P (MD)No.22999 of 2021:

Navanithan Maheswaran

... Petitioner

Vs.

1.The Union of India,
Represented by its Principal Secretary,
Ministry of Foreign Affairs,
New Delhi.

2.Foreign Regional Registration Office,
Bureau of Immigration,
Haddows Roads,
Subha Road Avenue,
Sashtri Bhawan,
Nungambakkam,
Chennai - 600 021.

3.The State of Tamil Nadu,
Represented by its Secretary,
Public (Foreigners-II) Department,
Secretariat, Fort.St.George,
Chennai - 600 009.

4.The Commissioner of Police,
Trichy City,
Trichy.

5.The Inspector of Police,
Nungambakkam Police Station,
Chennai - 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to forbearing the respondents from deporting the petitioner and his children to Srilanka on the consideration of the criminal case in C.C.No.8298 of 2021 pending on

<https://hcservices.ecourts.gov.in/hcservices/>



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W.P(MD)No.22999 of 2021:

the file of the Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai and to direct the respondents to permit the petitioner and his children to go to Switzerland.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mrs.L.Victoria Gowri
Assistant Solicitor General of India
for R.1 & R.2

Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R.3 to R.5

W.P(MD)No.23000 of 2021:

Kiribajani

... Petitioner

Vs.

1.The Union of India,
Represented by its Principal Secretary,
Ministry of Foreign Affairs,
New Delhi.

2.Foreign Regional Regsitration Office,
Bureau of Immigration,
Haddows Roads,
Subha Road Avenue,
Sashtri Bhawan,
Nungambakkam,
Chennai - 600 021.

3.The State of Tamil Nadu,
Represented by its Secretary,
Public (Foreigners-II) Department,
Secretariat, Fort.St.George,
Chennai - 600 009.

4.The Commissioner of Police,
Trichy City,
Trichy.

5.The Inspector of Police,
Nungambakkam Police Station,
Chennai - 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to forbearing the respondents from depriving the petitioner and his children to Srilanka on the



consideration of the criminal case in C.C.No.8298 of 2021 pending on the file of the Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai and to direct the respondents to permit the petitioner and his children to go to Switzerland.

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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mrs.L.Victoria Gowri
Assistant Solicitor General of India
for R.1 & R.2

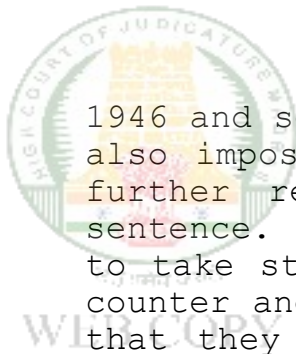
Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R.3 to R.5

COMMON ORDER

These Writ Petitions have been filed for forbearing the respondents from deporting the petitioners and his children to Srilanka on the consideration of the criminal case in C.C.No.8298 of 2021 pending on the file of the Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai and to direct the respondents to permit the petitioners and his children to go to Switzerland.

2. The petitioners are native of Srilanka. They got married and gave birth to two children. While being so, they received several threats causing grave apprehension in their mind and as such, they were advised to flee from the country and to reach India and then go to Switzerland to seek refuge in that country. Accordingly, they reached India and went to New Delhi and reached Embassy of Switzerland. Considering their request, the Switzerland Embassy granted Visa till 17.11.2021. When the petitioners approached the Foreign Regional Registration Office (FRRO), New Delhi to receive an exit permit, they referred them to approach the second respondent herein. Further, they were directed to obtain clearance report from the fifth respondent. While the fifth respondent conducting an enquiry, they did not find any objection except they entered India illegally and it attracts the offence under Section 14 of the Foreigners Act, 1946. In pursuant to the same, they were arrested and remanded to judicial custody. Their children were entrusted in the custody of relatives in India. Thereafter, they were detained in Special Camp for Srilankans at Trichy as directed by the third respondent herein.

3. In the meanwhile, the Embassy of Switzerland by letter, dated 14.12.2021 states that their Visa will be extended beyond their validity period i.e. 17.11.2021. The fifth respondent completed the investigation and taken cognizance in C.C.No.8298 of 2021, on the file of the XIV Metropolitan Magistrate, Egmore, Chennai. Thereafter, by order, dated 31.01.2022 the trial Court convicted the petitioners under Section 14 of the Foreigners Act,



1946 and sentenced them to undergo four days Simple Imprisonment and also imposed a fine of Rs,500/- (Rupees Five Hundred only). It is further revealed that they have already undergone a period of sentence. Since the petitioners are foreigners, they were directed to take steps to deport from India. The second respondent filed a counter and revealed that the petitioners submitted a representation that they should not be deported to their country where they are having threat to their life. Therefore, they requested to grant exit to go to Switzerland. They also produced Visa valid up to 17.11.2021 and the Visa is further extended to 10.05.2022.

4. In view of the above, to deport the petitioners and their children to Switzerland as per the Visa granted in favour of the petitioners, the first and the second respondents are directed to pass appropriate orders to deport the petitioners to Switzerland before the expiry of their Visa i.e., 10.05.2022. Accordingly, these Writ Petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS II)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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 Union of India,
Represented by its Principal Secretary,
Ministry of Foreign Affairs,
New Delhi.
- 2.Foreign Regional Registration Office,
Bureau of Immigration,
Haddows Roads,
Subha Road Avenue,
Sashtri Bhawan,
Nungambakkam,
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3.The Secretary,
Public (Foreigners-II) Department,
Secretariat, Fort.St.George,
Chennai - 600 009.

4.The Commissioner of Police,
Trichy City,
Trichy.

5.The Inspector of Police,
Nungambakkam Police Station,
Chennai - 600 004.

6.The XIV Metropolitan Magistrate,
Egmore,
Chennai.

+2 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-12533[F] dated
16/03/2022)

W.P(MD)Nos.22999 & 23000 of 2021
16.03.2022

MK/16.03.2022/5P/9C