



W.P.No.22549 of 2013 &
M.P.Nos.1 & 2 of 2013

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.22549 of 2013 &
M.P.Nos.1 & 2 of 2013

Anbukkarasi

... Petitioner

Vs

- 1.Union of India rep by its
Secretary to the Department,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi – 110 001.
- 2.Secretary to the Department,
Ministry of External Affairs,
North Block, Central Secretariat,
New Delhi – 110 001.
- 3.The Chief Immigration Officer,
Foreigner Regional Registration Office,
Shastri Bhavan Annex No.26
Haddows Road,
Chennai – 600 006.

4.M.Manoharan.

... Respondents



W.P.No.22549 of 2013 &
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WEB COPY: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the order of exit permit passed by the 3rd respondent in Exit Permit No.NRT/28268/SINGAPORE/CHENNAI/2011 dated 19.05.2011 and quash the same and consequently direct the respondents to secure the presence of the declarant of exit permit applicant Mr.Manokaran Manikkam S/o.Manikkam to India by repatriating him and to secure the custody of the minor child of the petitioner namely Harendra Manokaran, aged about 3 years and handover the same to the petitioner and further to grant a compensation by directing the 3rd respondent to the quantum of which this Hon'ble Court deems fit and proper against the defective order and act by the 3rd respondent and inaction of the other respondents.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.K.Gunasekar, [for R1 to R3]
Senior Panel Counsel
No appearance [for R4]

ORDER

I had, on 22.12.2022, passed the following order:

"I am of the prima facie view that nothing survives in this writ petition since the challenge in the Exit order passed by R3/the Chief Immigration Officer, Foreigner Regional Registration Office is as early as on 19.05.2011.

2.The case of the petitioner is that the exit permit has been obtained fraudulently and has enabled the illegal exit of R4 along with the minor child of the petitioner born to the petitioner and R4, who was three years at that point of time.



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3. Even assuming that the writ petition were to be allowed, in that juncture, one cannot put the clock back in terms of securing the child at this distance of time. This is particularly for the reason that much water has already flown under the bridge in terms of litigation pending between the private parties from 2013 till date.

4. The petitioner has approached this Court by way of Habeas Corpus Petition and states that he had secured an order therein. Let copies of orders passed in the litigation be placed before this Court.

5. There is no appearance for any of the respondents despite the name of Mr.K.Gunasekar, learned Senior Panel Counsel for R1 to R3 and description of R4 being printed in the cause list

6. List on 09.01.2023.”

2. Today, Mr.Doraisamy, learned counsel on record for the petitioner states that the petitioner does not press this writ petition. An endorsement has been made by him in this regard.

3. Recording the above, this writ petition is dismissed as not pressed. No costs. Consequently, connected miscellaneous petitions are closed.

kbs

10.01.2023

Index : Yes / No

Speaking Order/Non-Speaking Order



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Dr.ANITA SUMANTH, J.

kbs

To

- 1.Union of India rep by its
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