



WEB COPY



W.P.No.6050 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.6050 of 2020
And
W.M.P.No.7099 of 2020**

Sanjoy Mandal

... Petitioner

Vs.

1.The Principal Secretary to Government (FAC),
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

3.The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai – 600 007.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, after calling for the concerned records relating to the order in G.O.(1D) No.66, Public (Foreigners.III) Department dated 18.02.2020 passed by the first respondent and quash the same.

For Petitioner : Mr.S.Senthil
For Respondents : Mr.M.Alagu Goutham
Government Advocate



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorari, after calling for the concerned records relating to the order in G.O.(1D) No.66, Public (Foreigners.III) Department dated 18.02.2020 passed by the first respondent and to quash the same.

2.The petitioner is alleged to be a Bangladeshi. The case of the petitioner is that the petitioner is a permanent resident of West Bengal. The petitioner is in possession of passport issued by Republic of India dated 08.05.2012 with expiry date as 07.05.2022 issued by the Regional Passport Officer, Kolkatta. A case was registered in Crime No.2 of 2020 on 01.01.2020 by the CCB, Chennai, for the alleged offence under Section 12(1-A)(a) of the Passport Act, Section 14 of the Foreigners Act, 1946 r/w. Sections 420, 468, 471 of I.P.C., and he was arrested on 01.01.2020. Thereafter the petitioner was enlarged on bail vide order of the learned Judicial Magistrate No.1, Alandur, dated 20.01.2020. Thereafter, the first respondent issued Government Order in G.O.(1D) No.66, Public (Foreigners.III) Department dated 18.02.2020 due to which, the petitioner was detained and sent to Special Camp identified and located by the



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District Collector, Tiruchirappalli on 21.02.2020. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that in view of the pendency of the criminal case, restraint order was passed by way of the impugned Government Order, however, this Court may grant liberty to the petitioner to make application in terms of Section 2b of the Indian Passport Act, after disposal of the criminal case pending against him.

4.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case and without interfering with the order impugned in this writ petition, grants liberty to the petitioner to work out the remedy, after disposal of the criminal case pending against him.

5.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

26.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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M.DHANDAPANI,J.
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To

- 1.The Principal Secretary to Government (FAC),
Fort St.George,
Chennai – 600 009.
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Tiruchirapalli District,
Tiruchirapalli.
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