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[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18386 of 2022

Bousiya Begum, F/30
W/o.Mohammed Asmin

.. Petitioner

.Vs.

1.The State of Tamil Nadu
Rep.by. Secretary to Government
Public (Foreginers II) Department
Secretariat, Chennai.

2.The District Collector cum Camp Officer
Special camp for Foreigners
Central Prison Campus
Tiruchirappalli.

3.Inspector of Police
“Q” Branch, C.I.D
Kanchipuram.

Respondents

..

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent dated 27.9.2021 in G.O.(I.D).No.415 Public (Foreigner-II) Department and quash the same and direct the 2nd and 3rd respondents to set petitioner's



husband (Mohamed Asmin) at liberty and to permit petitioner's husband (Mohamed Asmin) to stay as Indian overseas citizenship of India card holder with his family under Section 4(2) of Foreigners Act, 1946.

For Petitioner : Mr.M.Soundar Vijay Arulram

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 27.9.2021 and for a direction to the 2nd and 3rd respondents to set at liberty the husband of the petitioner and permit him to stay overseas.

2.A counter affidavit has been filed by the Deputy Superintendent of Police, 'Q' Branch CID, Villupuram and the relevant portion in the counter affidavit is extracted hereunder:

7. It is submitted that, the averments made by the petitioner with regarding to her marriage with Mohammed Asmin having Overseas Citizenship of India card holder who is the Sri Lankan citizen on 18.03.2021 is denied and incorrect. The petitioner was already married her sister's husband Mohammad Amid. He is said to be died due to cardiac arrest. There is a suspicion about the death since, there was no registration about



his death and their marriage in the concerned authorized offices. It is pertinent to mention that the husband of the petitioner himself has committed that he married the Indian citizen Bousiya Begam D/o Kudubdeen on 18.03.2021 at Devakottai. Before this marriage A10 Mohammed Asmin in this case in Kancheepuram 'Q' Cr. No. 1/2020 was in no way related to the family of Indian citizen Bousiya Begam and he has not taken any care of them earlier to this marriage. It is also suspected that, only after knowing that, all the Sri Lankan associates of the said Mohammed Asmin concerned in this case are being arrested since October 2020 and in order to get evade from the arrest and being lodged in Special Camp Trichy, the person said to be the husband of the petitioner has purposefully married Indian citizen Bousiya Begam on 18.03.2021, with an wrongful intention of enjoying the benefits of OCI card holders. Their marriage is said to be held at Masjeedun Noor Jummah Mosque at Devakottai. But their marriage was not registered in any registration office.

3. In view of the above development, the stand taken in the counter affidavit is recorded and this writ petition is disposed of. No Costs.

12.07.2023

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



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N. ANAND VENKATESH., J.
KP

To

1. Secretary to Government
The State of Tamil Nadu
Public (Foreginers II) Department
Secretariat, Chennai.
2. The District Collector cum Camp Officer
Special camp for Foreigners
Central Prison Campus
Tiruchirappalli.
3. Inspector of Police
“Q” Branch, C.I.D
Kanchipuram.
4. The Public Prosecutor,
High Court of Madras,
Madras.

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