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W.P.(MD)NO.27937 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27937 of 2022

Timothy Donald Archer

... Petitioner

Vs.

1.The Foreigner Regulation Registration Officer
(FRRO) Bureau of Immigration,
Government of India,
No.26, Haddows Road,
Chennai.

2.The Foreign Registration Officer(FRO),
No.26, Haddows Road,
Shasthri Bhavan Annexure,
Nungambakkam,
Chennai-600 006.

3.The British Deputy High Commissioner,
20, Anderson Road,
Chennai-600 006.

4.The District Collector,
Theni District,
Theni.

5.The Superintendent of Police,
Theni District,
Theni.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant the Petitioner Exit Permit on his renewed Passport no. 099181344BR to his country United Kingdom.

For Petitioner : Mr.C.Sundaravadivel
For R1 to R3 : Mr.S.Sivakumar
Central Government Standing Counsel
For R4 : Mr.S.Jeyapriya
Government Advocate
For R5 : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

* * *

ORDER

Heard the learned counsel on either side.

2.The petitioner is a permanent resident of United Kingdom. He arrived in India on 07.11.2019 as a tourist. He had also confirmed return flight ticket. The petitioner visited various places. By the time, when the time for returning arrived, Covid-19 Pandemic struck the world. As a result, the petitioner got stranded in India. Now he wants to leave. The Government is also ready to give him exit permit. But the petitioner has been called upon to pay the Visa charges and penalty for



having overstay. The petitioner is ready to pay the Visa charges. But he wants this Court to direct the respondents to waive the penalty. This is for two reasons: a) any payment of penalty by the petitioner would have an adverse impact on him and he may find it difficult to obtain travel documents from other countries later in future; and b) the levy of penalty would mean that the petitioner had committed some wilful default. The petitioner is not guilty of any deliberate breach of travel visa terms and conditions. The petitioner was stranded due to the Covid-19 Pandemic. Therefore, there is no ill motive on the part of the petitioner.

3.I find both these grounds to be justified. If the petitioner has deliberately overstayed in India, then the authorities would be justified in levying penalty of the petitioner. That is not the case here. The petitioner also draws my attention to the announcement made by the Ministry of Home Affairs, clarifying that the foreign nationals who got stranded in India on account of Covid-19 Pandemic, may apply for an exit permit which would be granted on gratis basis, without levy of any over stay penalty.



4. In this view of the matter, I direct respondents 1 and 2 to grant exit permit to the petitioner on his renewed passport, so that he can return to his parent country. The petitioner, of course, has to pay the normal Visa charges. He also has to furnish all the relevant documents. There will be no penalty on the petitioner. This exercise shall be completed by respondents 1 and 2 as expeditious as possible.

5. Accordingly, this Writ Petition is allowed. No costs.

06.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Note: Issue order copy on **09.01.2023**

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(FRRO) Bureau of Immigration, Government of India,
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6

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G.R.SWAMINATHAN, J.

pnn

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