



W.P.(MD)No.14789 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.14789 of 2017

and

W.M.P.(MD)No.11627 of 2017

H.Yasmin

... Petitioner

versus

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Foreigners Registration Officer &
Superintendent of Police,
Thanjavur District,
Thanjavur.
3. The Government of Tamil Nadu,
Rep. by its Deputy Secretary,
Public (III) Department,
Secretariat, Chennai.
4. The Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
New Delhi.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents from deputing the petitioner's wards viz., (i) Fatima Abdul Salam Hashi and (ii) Minor Mustafa Abdul Salam Hashi out of India till they complete their graduation and Higher Secondary Course examination respectively.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 to R3 : Mr.J.K.Jeyaseelan,
Government Advocate
For R4 : Mr.S.Jeyasingh,
Central Government Standing Counsel

ORDER

The petitioner is the foster mother of one Fatima Abdul Salam Hashi and Mustafa Abdul Salam Hashi, who were born to Somalian couple at Abu Dhabi. The petitioner's husband was working at Abu Dhabi. On seeing the pathetic condition of the Somalian mother, who could not take care of the children, the petitioner's husband has made a request to bring up the children in India. On his request, she



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has also given the children to the petitioner's husband, one Nameed Ibrahim, in the year 2008, when the children were aged about 11 and 7 years respectively. The petitioner's husband had admitted the children in a School. The children have also studied as the wards of Hameed Ibrahim and the petitioner Yasmin. The children's visa was periodically extended and thereafter, it was not extended after 2017. In the mean time, an order of deportation was passed. Therefore, the petitioner has filed this writ petition before this Court for a Mandamus forbearing the respondents from deporting the minor children, who are studying in India.

2. This Court has also entertained this writ petition and granted interim relief. Pending this writ petition, it appears that the girl, namely, Fatima Abdul Salam Hashi has completed her college education and the boy, namely, Mustafa Abdul Salam Hashi is now studying Engineering Course



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3. It is reported that the petitioner has also made an application before the District Collector, Thanjavur District, requesting to provide citizenship to the children.

4. In view of the subsequent development, this writ petition is closed with liberty to the petitioner to pursue her application made before the District Collector, Thanjavur District. The District Collect, Thanjavur District, shall consider the case of the petitioner sympathetically, considering the fact that these children have also stayed in India for more than 15 years.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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