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Writ Petition No.6098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.03.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Petition No.6098 of 2024

S.Nalini,
W/o.Srikaran @ Murugan

... Petitioner

Vs.

1. Foreigners Regional Registration Office,
Bureau of Immigration (MHA),
Government of India,
Shastri Bhavan Annexe,
Chennai – 600 006.

2. State of Tamil Nadu rep. By its.
Secretary to Government,
Public SC Department,
Secretariat, Chennai – 600 009.

3. The District Collector,
Trichirappalli.

4. The Special Camp Incharge,
Foreigners Detention Centre,
Trichirappalli.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to



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permit the husband of the petitioner Srikanan @ Murugan who is lodged at Special Camp (Foreigners Detention Centre at Tiruchirapalli) to appear before the Sri Lankan Deputy High Commission at Chennai on any working days between 09.30 to 15.30 Hours and as and when required with escort to get all country passport.

For Petitioner : Mr.S.Doraiswamy
For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by Dr.G.Babu,
Senior Panel Counsel [R1]
Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
[R2 to R4]

ORDER

(Order of the Court was made by R.SURESH KUMAR,J.)

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents to permit the husband of the petitioner Srikanan @ Murugan, who is lodged at Special Camp (Foreigners Detention Centre at Tiruchirapalli) to appear before the Sri Lankan Deputy High Commission at Chennai on any working days between 09.30 to 15.30 Hours and as and when required with escort to get all country passport.



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2. When this writ petition came up for hearing on 08.03.2024,

inter alia we passed the following order:

“7. In this context, the apprehension of the State authorities is that based on this understanding, as no communication whatsoever has been directly received by the District Collector, Trichy, if escort is provided and the husband of the petitioner is brought before the Srilankan High Commission on a particular day, if the High Commission, for want of time or any reason, could not complete the transaction of business with regard to the travel document or passport sought for by the individual and for such reason if any other date is given, once again the husband of the petitioner has to be taken back to Trichy Camp and again to be brought to Chennai.

8. Therefore, in order to avoid the unnecessary issues and complications, the State authorities especially the District Collector, Trichy can make efforts to fix up an appointment for bringing or producing the husband of the petitioner at the Srilankan High Commission office on any particular date and time and on that date and time, the petitioner's husband can be brought before the Srilankan High Commission at Chennai with escort to be provided by the State Authorities under the supervision of the District Collector, Trichy.



9. Therefore in this context, we feel that the District Collector, Trichy who is the third respondent herein can take steps to contact the Srilankan High Commission at Chennai to fix up an appointment for the aforesaid transaction of business and if he is able to get appointment, on that date there could be no impediment to bring the husband of the petitioner from the Detention Camp at Trichy to the Srilankan High Commission at Chennai.

10. Hence, the third respondent is hereby directed to work out the possibility of getting an appointment as indicated above with the Srilankan High Commission at Chennai within a day or two and report the development before this Court by **12.03.2024**. Hence, post the matter on **12.03.2024** immediately after admission.”

3. Pursuant to the said order, again when the case is taken up for hearing today, as we directed earlier, Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the State has submitted that the third respondent District Collector has taken efforts for fixing an appointment with the Srilankan High Commission at Chennai and in this regard, he has filed certain documents including the copy of the E-mail communication sent by the third respondent District Collector on



08.03.2024, where the third respondent District Collector had requested the Srilankan High Commission to fix an appointment for production of the husband of the petitioner with regard to the travel documents and in response to the same, on 11.03.2024, the Srilankan High Commission has given the following reply:

“Dear Collector,

Since Mr.Sriharan @Murugan is a Sri Lankan National, he does not need a special appointment to visit the Deputy High Commission of Sri Lanka in Chennai.

However, under Special circumstances in this case, we will schedule to meet him at 12.30 pm on Wednesday, 13th of March, 2024, at the Consulan Division of Deputy High Commission.

Regards.”

4. These factors have been given in the status report filed by the third respondent District Collector today, where he has stated the following:

“Accordingly the 3rd respondent has sent a request by e-mail to the Srilankan Deputy High Commission, to get an appointment for interview at Srilankan High Commission at Chennai, for the petitioner's husband Srilankan National Mr.Sriharan @ Murugan on 08.03.2024.

5) I respectfully submit that the 3rd respondent



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received reply from the Srilankan Deputy High Commission through email dated 11.03.2024, as follows,

“under special circumstances in this case, we will schedule to meet him at 12.30 pm on Wednesday, 13th March 2024 at the Consulan Division of Deputy High Commission, Chennai.

6) *I respectfully submit that the 3rd respondent has sent a letter to the Commissioner of Police, Tiruchirappalli City to provide proper police escort to the petitioner's husband Mr.Sriharan @ Murugan, and take him to the Srilankan Deputy High Commission Office, Chennai on 13.03.2024 at 12.30 pm. After completion of the above interview, Mr.Sriharan @ Murugan must return back with proper escort to Kottapattu Special Camp, Trichy. The above information also been informed to the petitioner's husband.*

7) *I respectfully submit that the based on this Hon'ble Court order, 3rd respondent have made all the efforts to send the petitioner's husband to the Srilankan Deputy High Commission Office, at Chennai, and take steps to fixup the appointment and arrange the escort today. Further submitted that the compliance report of the court order will be submitted before this Hon'ble High Court of Madras.”*

5. Relying upon these averments in the status report, the learned



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Additional Public Prosecutor has submitted that, every arrangement has been made to escort the husband of the petitioner viz., Sriharan @ Murugan to take him to Chennai at Srilankan High Commission tomorrow i.e., 13.03.2024 at 12.30 p.m regarding the travel documents plea raised by him with High Commission. The learned Additional Public Prosecutor would further submit that, after completion of the work at the High Commission, the husband of the petitioner would again be taken back with Police escort to Trichy camp.

6. On knowing these developments, Mr.S.Doraiswamy, learned counsel appearing for the petitioner has submitted that, the work if it is completed by tomorrow i.e., 13.03.2024 at Srilankan High Commission, he can be taken back to Trichy camp, suppose the business is not completed with High Commission and if one more day is required, for which, if further appointment is given by High Commission, on that day also, the third respondent District Collector can bring back the petitioner's husband to the High Commission to complete the transaction with regard to the plea of travel documents for him.

7. The said submission made by the learned Additional Public Prosecutor as well as the learned counsel for the petitioner are taken on



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record.

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8. In view of the aforesaid developments, where all efforts had been taken by the District Collector as we directed earlier and everything had been made ready to bring the husband of the petitioner to Srilankan High Commission by tomorrow i.e., 13.03.2024 at 12.30 p.m as has been given appointment by the High Commission, we feel that no further order is required in this writ petition.

9. Accordingly, this writ petition is disposed of by giving direction to the third respondent District Collector to comply what has been stated above. No costs.

(R.S.K.,J.)

(K.B., J.)

12.03.2024

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

mp

Note: Issue order copy today (12.03.2024)



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To



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1. Foreigners Regional Registration Office,
Bureau of Immigration (MHA),
Government of India,
Shastri Bhavan Annexe,
Chennai – 600 006.
2. The Secretary to Government,
Public SC Department,
Secretariat, Chennai – 600 009.
3. The District Collector,
Trichirappalli.
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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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