



WEB COPY



WP.No.8292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.8292 of 2024

T.Nageswari

... Petitioner

Vs.

1.State of Tamil Nadu
Rep. by the Secretary to Government,
Public (Foreigners-II) Department,
Secretariat, Chennai-600 009.

2.The Secretary to Government,
Public (S.C.) Department,
Secretariat, Chennai 600 009.

3.The Superintendent of Police,
Q-Branch CID, Mylapore,
Chennai-600 004.

4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli - 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 05.03.2024 and permit



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the petitioner's sister's son namely Krishnakumar @ Kanthan, son of Kanthasamy, now confined at Special Camp, Trichy to reside with the petitioner.

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C. Aravind

ORDER

*(Order of the Court was delivered by **M.S.RAMESH, J.**)*

The petitioner's sister's son namely Krishnakumar @ Kanthan, S/o.Kanthasamy, was arrested and remanded in connection with Crime No.1 of 2015 for the offence under Sections 10(a)(i), (iv) and 38(1) of the Unlawful Activities (Prevention) Act, 1967, Section 3(a) r/w 12(1)(a) of the Passport Act, 1967, Section 3 and 14(c) of the Foreigners Act, 1946, Section 6 of the Poisons Act, 1919, and Section 419 IPC. After trial, the learned Principal District and Sessions Court, Ramanathapuram vide judgement dated 28.04.2018 in S.C.No.7 of 2016 convicted and sentenced him for a period of 10 years.

2. The petitioner stated that after completion of sentence, her sister's



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son was released from prison and has been detained at Special Camp, Trichy as per the order in G.O.Sr.No.II/1240-1/2015, dated 27.08.2015. It is seen that the prisoner has been detained at Special Campy, Trichy from 01.07.2022. Since the petitioner along with her sister were staying at Srilankan Refugee Camp, Uchapatti, she wanted her sister's son to stay permanently with her. Therefore, she gave a representation dated 05.03.2024 in this regard and the same has not been considered. Hence, the petitioner has filed a present Writ Petition seeking to consider her representation.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. In the light of the above and having regard to the limited scope of the prayer in the Writ Petition, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating her grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of the representation. It is made clear



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that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

[M.S.R., J] [S.M., J]

27.03.2024

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

Anu

To

1.The Secretary to Government,
Public (Foreigners-II) Department,
Secretariat, Chennai-600 009.

2.The Secretary to Government,
Public (S.C.) Department,
Secretariat, Chennai 600 009.

3.The Superintendent of Police,
Q-Branch CID, Mylapore,
Chennai-600 004.

4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli - 20.

5.The Public Prosecutor,



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High Court, Madras.
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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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