



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.20284 of 2024
and WMP.No.27879 of 2024

Minor Kadamban Karthik
Rep. By his mother/guardian
S.R.Vishnu Sre.

... Petitioner

Vs

1. The Union of India
Rep. By the Secretary to Government,
Ministry of Home Affairs,
North Block, Foreign Division, OCI Cell,
Jai Singh Marg, Hanuman Road Area,
Connaught Place, New Delhi-110 001.

2. The Bureau of Immigration,
Rep. By Foreigners Regional Registration Office,
Shashtri Bhawan Annexe Building,
No.26, Haddows Road, Nungambakkam,
Chennai-6.

3. S.Karthik Kumaran

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to extend the VISA for the minor child Kadamban Karthik American passport (Passport No.660053427) viz., the petitioner herein and also to register the



WEB COPY

minor child as Overseas Citizen of India (OCI) and issue appropriate certificate without insisting upon the consent of the 3rd respondent or certificate of custody from the Court of law.

For Petitioner : Mr.R.Rajarajan

For Respondent : Ms.S.P.Aarthi, SPC for R1 & 2
Ms.Kadambri Suresh.R. R3

ORDER

This petition has been filed seeking a direction to the second respondent to extend the VISA for the minor child Kadamban Karthik American passport (Passport No.660053427) viz., the petitioner herein and also to register the minor child as Overseas Citizen of India (OCI) and issue appropriate certificate without insisting upon the consent of the 3rd respondent or certificate of custody from the Court of law.

2. It is the case of the petitioner that the petitioner was born in America when the petitioner mother and father were stayed there for their employment purpose. Subsequently, the third respondent and the petitioner came to India. In the meanwhile, the petitioner's visa has been expired. For extension of VISA, the petitioner made an application and the same was not considered. Hence, the present writ petition.



WEB COPY

3. The learned counsel for the petitioner submitted that there is a matrimonial dispute between the parents of the petitioner and the divorce petition is pending before the Family Court, Coimbatore. In the meanwhile, the petitioners visa has been expired and there is a threat for sending the 3 ½ year child to America as foreign prisoner camp. Hence, this Court may direct the second respondent to extend the VISA for the petitioner within the stipulated time as fixed by this Court.

4. The learned counsel for the 3rd respondent submitted that the 3rd respondent is a father of the petitioner and he has no objection for extending the VISA period for the petitioner to enable him to continue his education in India till the disposal of the matrimonial dispute between the petitioner mother and the third respondent.

5. The learned Standing Counsel appearing for the first and second respondents submitted that for extension of the VISA period, the petitioner has to make a formal application before the respondents 1 & 2. Upon receipt of



such representation, it will be considered and orders will be passed within the stipulated time as fixed by this Court.

6. In view of the fair submission submitted by the learned Standing Counsel, there shall be a direction to the petitioner's mother to make a formal application before the second respondent for extension of VISA within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the second respondent is directed to extend the VISA and pass orders within a period of four weeks thereafter. Till such time, the second respondent shall not take any coercive steps against the petitioner.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

rli

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

To

4/6



WEB COPY

1. The Union of India

Rep. By the Secretary to Government,
Ministry of Home Affairs,
North Block, Foreign Division, OCI Cell,
Jai Singh Marg, Hanuman Road Area,
Connaught Place, New Delhi-110 001.

2. The Bureau of Immigration,

Rep. By Foreigners Regional Registration Office,
Shashtri Bhawan Annexe Building,
No.26, Haddows Road, Nungambakkam,
Chennai-6.



WEB COPY



M.DHANDAPANI, J.

Rli

WP.No.20284 of 2024

02.09.2024