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W.P. Nos.23364 and 23752 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.23364 of 2021 and 23752 of 2021
and
W.M.P. Nos.24642 and 24643 of 2021, 25006 and 25007 of 2021

Subash Surendran

.... Petitioner

Versus

The Immigration Officer,
Foreigners Regional Registration Office,
Ministry of Home Affairs,
Haddows Road,
Subba Road Avenue,
Nungambakkam,
Chennai – 600 006.

.... Respondent

Prayer in W.P. No.23364 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records in Appl. ID No.170921S5S8VC and consequently quash the impugned communication issued by the respondent requiring the petitioner to “upload confirm flight ticket for travel within 1 week and travel should be on or before 31.10.2021”.

Prayer in W.P. No.23752 of 2021 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records in Appl. ID No.170921S5S8VC and quash the impugned communication uploaded by the respondent on 28.10.2021 requiring the petitioner to “upload confirm flight ticket for travel within 1 week and travel should be on or before 17.11.2021”, consequently direct the respondent to extend the petitioner's Visa for a further period of 2 years pursuant to the petitioner's representation dated 22.10.2021.



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For Petitioner in both W.P.s

: Mr.T. Mohan
Senior Counsel
for Mr.Rajagopal Vasudevan

For Respondent in W.P.
No.23752 of 2021

: Mr.V. Chandrasekaran
Senior Panel Counsel

For Respondent in W.P.
No.23364 of 2021

: Mr.Venkatasamy Babu
SPC

COMMON ORDER

Since the issue involved in both these writ petitions are one and the same, they are disposed of by a common order.

2. Heard the submissions made by the learned counsel on either side.

3. It is averred in the affidavit filed in support of these petitions that the petitioner, who was born in India became the Citizen of Singapore by naturalization and as such, he holds Singapore Passport, which is valid until 15.02.2025. Due to his mother's ill-health, he came to India on 19.11.2019 and subsequently due to Covid-19 Pandemic, several restrictions were declared by the Government and owing to which, his stay continued in India. When that being so, due to his health issues, he was hospitalised and periodical review necessitated him to remain in India. But, the respondent had uploaded a communication in online mode quoting, "photo and document re-upload". Thereafter, on 22.10.2021, a representation was submitted by the petitioner requesting the respondent to



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provide an opportunity to submit all the relevant documents for continuation of his stay in India. In such circumstances, W.P. No.23364 of 2021 was filed and upon hearing the case on 28.10.2021, this Court directed the respondent not to precipitate the issue. While so, the respondent had hosted the impugned communication in their website by mentioning “upload confirm flight ticket for travel & etc.”. In such a scenario, the petitioner has knocked the doors of this Court for issuance of necessary directions to the respondent.

4. Learned counsel for the petitioner submitted that the respondent has uploaded the communication in online mode, that too, without giving any opportunity to the petitioner. He further submitted that despite directions having been issued by this Court in W.P. No.23364 of 2021, not to precipitate the issue, the impugned communication has been passed by the respondent, which is arbitrary and untenable one. Hence, he prays for issuance of appropriate directions by this Court in the above regard.

5. Relying upon the counter affidavit filed by the respondent, more particularly, paragraph Nos.7 and 8, the learned Panel Counsel appearing for the respondent submitted that without mentioning any specific reasons for extension of Visa, the petitioner has submitted the application. Further, he submitted that the respondent has no objection for granting extension of Visa, subject to production of requisite details.



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6. Considering the limited request sought for by the petitioner, this

Court, without going into the merits of the case, directs the petitioner to furnish the required details along with necessary enclosures to the respondent, within a period of four weeks from the date of receipt of a copy of this order. On such submission, the respondent is directed to consider the case of the petitioner for extension of visa for his stay on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner.

7. Till then, the respondent is directed not to take any coercive steps for deporting the petitioner.

8. With the above directions, these writ petition are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.08.2024

Index : Yes / No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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To
The Immigration Officer,
Foreigners Regional Registration Office,

<https://www.mhc.tn.gov.in/judis>



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Ministry of Home Affairs,
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M.DHANDAPANI, J.

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