



W.P(MD)No.13011 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13011 of 2024

Baskaran

... Petitioner

Vs.

1.The State represented by
The Secretary,
Public (Foreigners – II) Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The District Collector,
Incharge of Trichy Special Camp,
Trichy District,
Trichy.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to permit the inmate, Baskaran S/o.Kumarasamy of Trichy Special Camp for attending an interview before Switzerland Embassy, New Delhi to seek Humanitarian VISA to secure the ends of justice.

For Petitioner : Mr.D.Mario Johnson



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For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

Heard both sides.

2.The writ petitioner is presently confined in Trichy Special Camp. The petitioner wants this Court to direct the respondents to make appropriate arrangements so that the petitioner can attend an interview before Switzerland Embassy, New Delhi and obtain Visa.

3.The learned counsel appearing for the petitioner drew my attention to the email communication received from Switzerland Embassy in this regard. In one of the communications it has been stated that the petitioner's request for appointment would be considered once the petitioner received Court order regarding permission to visit Embassy from the special camp.

4.I am not in a position to consider the petitioner's contentions. My hands are tied. This is because W.P.No.11754 of 2021 was already filed by one Thamarai before the Principal Seat. It was heard along with



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H.C.P.No.1456 of 2020. The prayer in W.P.No.11754 of 2021 was as follows:

“Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 18.02.2021, permitting the detenu Bhaskaran & Mayuran, S/o.Kumarasamy, aged 47 years, to seek interview before the Switzerland Embassy of New Delhi to get Humanitarian Visa to land as refugee in Switzerland.”

The Hon'ble Division Bench dismissed the writ petition as well as HCP on 23.06.2021. I went through the contents of the said order. The Hon'ble Division Bench had categorically stated that Baskaran does not enjoy the status of the refugee from Srilanka and that he was indulging in human trafficking offences in India. Paragraph No.15 of the order reads that the prayer in the writ petition cannot be countenanced because obtainment of Visa of another country by an individual has to be by his own efforts and no statutory provision has been placed before this Court for issuance of writ of mandamus as prayed for. The writ petition was dismissed not on any technical ground of *locus standi* but on merits.



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5.In these circumstances, I as a single Judge cannot render any
contra judgment in favour of the petitioner. It is only for this reason, I
am constrained to dismiss.

6.This writ petition stands dismissed. There shall be no order as to
costs.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Secretary,
Public (Foreigners – II) Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The District Collector,
Incharge of Trichy Special Camp,
Trichy District,
Trichy.



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G.R.SWAMINATHAN,J.

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