



W.P.(MD)No.28225 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.28225 of 2024

S.Thanraj

.. Petitioner

Vs

1. The Additional Secretary to Government of Tamil Nadu
Public(Foreigners-II)Department
Secretariat, Saint George Fort,
Chennai- 600 009.

2. The District Collector
Thiruchirapalli District Collectrate Office
Thiruchiraapalli- 620 001

3. The Special Collector -cum- Camp Officer
Special Camp for Foreigners
Kottapattu, Tiruchirapalli- 620 020

4. The Commissioner of Police
Tiruchirapalli City
Tiruchirapalli.

5. The Deputy Superintendent of Police
Q- Branch CID Madurai
Madurai

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 5 for the speedy disposal of



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pending case against petitioner in Cr.No.1 of 2019 pending on the file of the 5th respondent upon the petitioners representation dated 05.05.2024 in view of deportation as per G.O.No. 368 (ID), dated 25.10.2023.

For Petitioner	: Mr.G. Parthasarathy
For Respondents	: Mr.M.Muthumanikkam
No.1 & 2	Government Advocate(Civil Side)
No. 4 & 5	Mr.A.Thiruvadikumar
	Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 2 and 5 for the speedy disposal of pending case against petitioner in Cr.No.1 of 2019 pending on the file of the 5th respondent upon the petitioners representation dated 05.05.2024 in view of deportation as per G.O.No. 368 (ID), dated 25.10.2023.

2. The petitioner/ Srilankan Citizen who is an inmate of Special Camp at Tiruchirapalli was directed by the District Collector, Tiruchirapalli to deport after disposal of the case in Crime No.1 of 2019 registered by the Deputy Superintendent of Police, Q-Branch, Madurai City. The petitioner was served with a notice under Section 41(A) of Cr.P.C. The petitioner appeared on 28.11.2023. Except formal question nothing was enquired from the petitioner Thereafter what had happened the petitioner is not aware. The petitioner for the past one year is suffering in the



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special camp at Tiruchirapalli without deportation from India to Srilanka his mother's land. The petitioner is now physically and mentally depressed and humiliated not allowed to be deported. Hence he has sent a representation to the authorities on 06.05.2024 but no action has been taken, hence the present petition has been filed.

3. The learned Additional Public Prosecutor submitted that a case in crime number was registered by the Q Branch Police , Madurai for the offences under Sections 120(B), 420,465,468,471,473,474,109,201,255 of IPC and Sections 3, 12(1-A) (a), 12(1)(b) and 12(2) of the Passports Act, 1967. The commission of offence is for the period from 01.02.2019 to 30.06.2009. Thereafter after completion of investigation filed final report before the learned Judicial Magistrate No.IV, Madurai and the same was taken on file in C.C.No.1503 of 2022. At that time the petitioner was not an accused. Later the Q branch police has filed a petition under Section 173(8) of Cr.P.C for further investigation in Cr.M.P. No.8616 of 2022 and further investigation was ordered. During further investigation the role of the petitioner in the commission of offences has been found and the petitioner is arrayed as A58. In this case the involvement of the public servant in both the Central Government and State Government are also found. Further the case is that petitioner along with other



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accused have conspired together and abetted each other created forged document and using the forged documents as genuine made a false declaration before the passport authorities and obtained Indian Passport. As per the passport act sanction has to be obtained from the appropriate authorities. Though investigation has been completed and charge sheet has been made ready for want of sanction the same could not be filed. He further submitted that a request was made through Superintendent of Police on 29.08.2024. He further submitted that reminder is also sent and sanction to be received and as and when sanction is received charge sheet will be filed.

4. The learned counsel appearing for the petitioner submitted that though it is claimed that request for sanction has been sent on 29.08.2024 for almost more than three months sanction is yet to be obtained. The petitioner is not aware how many months or years he has to wait for completing the formalities and thereafter to get deported.

5. In view of the above, the Superintendent of Police, Q- Branch, (*)**Chennai** to again remind the sanctioning authority about the pendency of sanction for more than 3 ½ month and to ensure that appropriate orders are received from the sanctioning authorities without any further delay.



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6. The District Collector, Madurai, (*)**The Deputy Inspector General of Police, Thanjavur.** The Secretary to Government, Home Department, Chennai, Chief Passport Officer, New Delhi are directed to take decision on the request of the Superintendent of Police for granting sanction with in a period of two months from the date of receipt of a copy of this order. The respondent police is directed to file a charge sheet before the concerned Court within period of two weeks from the date of receipt of sanction or otherwise from the appropriate authorities.

6.. With the above direction the Writ Petition stands disposed of. No costs.

(*)Corrected as per the order of this court dated 11/12/2024

Sd/-

27/11/2024

// True Copy //

06/01/2025

Sub Assistant Registrar

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To

1. The Additional Secretary to Government of Tamil Nadu
Public(Foreigners-II)Department
Secretariat, Saint George Fort,
Chennai- 600 009.

2. The District Collector

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Thiruchirapalli District Collectrate Office
Thiruchiraapalli- 620 001

3. The Commissioner of Police
Tiruchirapalli City
Tiruchirapalli.
4. The Deputy Superintendent of Police
Q- Branch CID Madurai
Madurai
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.
6. The District Collector
Madurai District
7. The Superintendent of Police, Q- Branch, (*) Chennai
8. (*) **The Deputy inspector General of Police**
Tanjore Range,
Thanjavur
9. The Secretary to Government
Home, Department
Chennai
10. The Chief Passport Officer
Passport Seva Project
Ministry of External Affairs
Batiala House
Tilak marg, New Delhi.

+1 CC to M/s.G.PARTHASARATHY, Advocate (SR-68366[F] dated 27/11/2024)

+1 CC to M/s.SPL.GP (SR-68683[F] dated 28/11/2024)

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+1 CC to M/s.G.PARTHASARATHY, Advocate (SR-73561[F] dated 13/12/2024)

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KB(06.01.2025)/ 7P/ 14C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.