



W.P.(MD).Nos.14656 & 14657 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.14656 & 14657 of 2023

and

W.M.P.(MD).Nos.12372 & 12375 of 2023

W.P.(MD).No.14656 of 2023

Fathimafarzanamarkar @ Fathimafarzanashihab

...Petitioner

Vs.

- 1.The Union of India,
Represented by its Principal Secretary.
Ministry of Foreign Affairs,
New Delhi.
- 2.Foreign Regional Registration Office,
Bureau of Immigration,
Haddows Road, Subha Road Avenue,
Shastri Bhawan,
Nungambakkam, Chennai.
- 3.The State of Tamil Nadu,
Rep. by its Secretary, Public (Foreigners - II) Department,
Secretariat, Fort. St. George, Chennai.
- 4.The District Collector,
Trichy District, Trichy.
- 5.The Commissioner of Police,
Trichy City, Trichy.
- 6.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.

... Respondents



W.P.(MD).Nos.14656 & 14657 of 2023

W.P.(MD).No.14657 of 2023

Mohammed Shihab @ Muhammad Shihab

...Petitioner

Vs.

- 1.The Union of India,
Represented by its Principal Secretary.
Ministry of Foreign Affairs,
New Delhi.
- 2.Foreign Regional Registration Office,
Bureau of Immigration,
Haddows Road, Subha Road Avenue,
Shastri Bhawan,
Nungambakkam, Chennai.
- 3.The State of Tamil Nadu,
Rep. by its Secretary, Public (Foreigners - II) Department,
Secretariat, Fort. St. George, Chennai.
- 4.The District Collector,
Trichy District, Trichy.
- 5.The Commissioner of Police,
Trichy City, Trichy.
- 6.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the Respondents from deporting the Petitioner and his children to Srilanka on the consideration of the Criminal Case in S.T.C.No.507 of 2020 convicted on the file of the Learned District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District till the process of issuance of VISA by the Embassy of Australia and direct the respondents to deport the petitioner



W.P.(MD).Nos.14656 & 14657 of 2023

and her children to Australia after issuance of VISA by the Australian Embassy.

In Both Writ Petitions

For Petitioners	: Mr.K.R.Badurus Zaman
For R-1 & R-2	: Mr.K.Govindarajan, Deputy Solicitor General of India
For R-3 to R-6	: Mr.A.Albert James Government Advocate (Criminal Side)

COMMON ORDER

Both these Writ Petitions have been filed for the issue of Writ of Mandamus forbearing the respondents from deporting the petitioners and their family members on the basis of the judgment passed in S.T.C.No. 507 of 2020 by the learned District Munsif cum Judicial Magistrate, Vedharanyam, till the process of issuance of visa is considered and given by the Embassy of Australia.

2. Heard the learned counsel on either side.

3. In the considered view of this Court, the present Writ Petitions have been filed without any semblance of legal right. A Writ of Mandamus can be issued only if the petitioner establishes a legal right



W.P.(MD).Nos.14656 & 14657 of 2023

and a corresponding legal duty on the part of the respondents.

Admittedly, the petitioners have been convicted for the offence under Section 12(1)(c) of the Passport Act, 1967 in S.T.C.No.507 of 2020 by the learned District Munsif cum Judicial Magistrate, Vedharanyam and they have been sentenced to undergo two months Simple Imprisonment and to pay fine. Under such circumstances, the petitioners seem to be taking steps to go to Australia and they have also applied for a visa. It is not known with which passport they will be applying for such a visa to go to Australia. That apart, their very stay in India is now in question and presently, they are made to stay at Trichy camp pursuant to the Government Order passed in G.O.(1D).No.104, Public (Foreigners-II) Department, dated 05.03.2021.

4. The relief sought for in these Writ Petitions are mis-conceived and this Court does not see any merit in these Writ Petitions and accordingly, the same stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-08.11.2024

Index : Yes/No
Internet : Yes/No
TSG



W.P.(MD).Nos.14656 & 14657 of 2023

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- 3.The Secretary, Public (Foreigners - II) Department,
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- 4.The District Collector,
Trichy District, Trichy.
- 5.The Commissioner of Police,
Trichy City, Trichy.
- 6.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD).Nos.14656 & 14657 of 2023

N.ANAND VENKATESH.J.,

TSG

**Common Order made in
W.P.(MD).Nos.14656 & 14657 of 2023**

**Dated :
08.11.2024**