



W.P(MD)No.26672 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.26672 of 2024

and

W.M.P(MD)No.22630 of 2024

Gihan Emmanuel

... Petitioner

Vs

- 1.The Commissioner (Immigration),
The Bureau of Immigration - Ministry of
Home Affairs,
Government of India,
East Block VIII, Level V,
Sector 1, R.K.Puram,
New Delhi 110.
- 2.The Foreign Regional Registration Office (FRRO),
Shastri Bhavan, Annex Building,
26, Haddows Road, Nungambakkam,
Chennai 600 006
- 3.The Immigration Officer,
International Airports Authority of India,
Chennai.
- 4.The Senior Immigration Officer,
Batches A B C D International Departure,
Anna International Airport,
Meenambakkam,
Chennai.
- 5.The Secretary to Government,
Public (Foreigners) Department,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai 600 009.



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6.The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Fort St.George,
Secretariat, Chennai 600 009.

7.The Superintendent of Police,
Q Branch CID, Mylapore,
Chennai 600 004.

8.The Inspector of Police,
Q Branch CID,
Sivagangai District Collector Office Campus,
Sivagangai District 630 561.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the petitioner's visa for his extended stay in India and in the alternative permit the petitioner to return to Sri Lanka forthwith.

For Petitioner	: Mr.V.Kannan
For RR 1 to 4	: Mr.Alagu Ram Jothi
For RR 5 & 6	: Mr.D.Gandhi Raj Special Government Pleader
For RR 7 & 8	: Mrs.M.Aasha Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed by the petitioner filed for a direction directing the respondents to extend the petitioner's visa for his extended stay in India or to permit him to return to Srilanka.



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2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.On perusal of the records would reveal that the petitioner is a Srilankan Citizen and visited India on his tourist visa and working in Chennai. The period of visa expires on 13.12.2024. While being so, the petitioner's brother-in-law involved in the criminal case which is registered in Crime No.1 of 2024 on the file of the eighth respondent Police for the alleged offences under Sections 465, 468, 471, 420, 212, 109, 120(B) of I.P.C and 14(A), 15(B) and 14(C) of the Foreigners Act, 1946 and he is absconding. The eighth respondent initially suspected that the petitioner was also one of the accused and issued a Look Out Circular against him. However, later it was found that the petitioner was not an accused and about to withdraw the Look Out Circular issued against him. Further, the petitioner is one of the witnesses to the Crime No.1 of 2024 on the file of the eighth respondent.

4.In view of the above, the petitioner is directed to appear before the eighth respondent and file an affidavit to come to India to depose before the trial Court, after filing the charge sheet.



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On receipt of the said affidavit, the eighth respondent is directed to withdraw the Look Out Circular issued against the petitioner. Thereafter, the petitioner is permitted to return back to Srilanka, in accordance with law.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

05.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

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