



WEB COPY



WP.No.17137 of 2025

In the High Court of Judicature at Madras

Reserved on 04.8.2025	Delivered on : 08.8.2025
---------------------------------	------------------------------------

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.17137 of 2025
& WMP.No.19424 of 2025

Parameshwari,
Srilankan Tamil Rehabilitation
Camp, Gummidipoondi

...Petitioner

Vs

- 1.The Principal Secretary to
Government (FAC), Public
(Foreigners-II) Department,
Secretariat, St.George Fort,
Chennai-9.
- 2.The Commissioner,
Commissionerate of
Rehabilitation & Welfare of
Non Resident Tamils,
Chepauk, Chennai-5.
- 3.The District Collector,
Trichy District, In-charge of
Trichy Special Camp, Trichy.
- 4.The Deputy Superintendent of
Police, Q Branch, Thanjavur.
(R4 suo motu impleaded vide
order dated 21.7.2025 by NAVJ)

...Respondents



WP.No.17137 of 2025

WEB COPY

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent Principal Secretary to Government (FAC) Tamil Nadu, Public (Foreigners-II) Department in G.O.(ID)No.177 dated 22.4.2024, quash the same and consequently direct the 3rd respondent to release the petitioner's Son Manikandan S/o.Kumar from Special Camp, Trichy and set him at liberty .

For Petitioner : Mr.D.Mariojohnson
For Respondents : Mr.E.Vijay Anand, AGP

ORDER

The writ petition has been filed challenging the Government Order dated 22.4.2024 issued by the first respondent and for a consequential direction to the third respondent to release the petitioner's son - one Mr.Manikandan from the Foreigners Special Camp at Trichy.

2. Heard both.

3. The case of the petitioner is as follows :



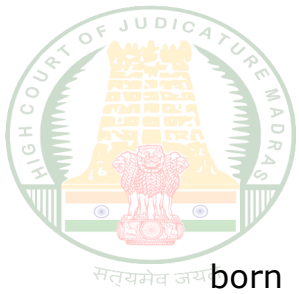
WP.No.17137 of 2025

WEB COPY

(i) The petitioner is a Srilankan Tamil refugee, who came to India in the year 1990. She married another Srilankan Tamil refugee in the year 1994. On account of the wedlock, two children were born and raised in India. The petitioner's son was born on 11.12.1998. All of them were staying in the Srilankan Tamil Rehabilitation Camp at Gummidipoondi.

(ii) The petitioner's son was arrested on 12.3.2024 by the Q Branch Police, Thanjavur in connection with a case in Crime No.1 of 2024 on the allegation of attempting to procure a fake passport. The petitioner's son was implicated as A14 in the said criminal case. Though the petitioner's son was granted bail on 04.4.2024 by the Principal Sessions Court, Thanjavur in Crl.M.P.No.2564 of 2024, he was detained and transferred to the Foreigners Special Camp, Trichy.

(iii) The petitioner's son is suffering from chronic kidney condition and has been taking treatment. As sufficient medical facility is not available within the Foreigners Special Camp, Trichy, his health condition deteriorated. After having been granted bail, the petitioner has been confined in the Foreigners Special Camp, Trichy, which is also a jail and it is violative of Article 21 of The Constitution of India. The petitioner's son could not be treated as a foreigner since he was



WP.No.17137 of 2025

WEB COPY

born in India, was staying in India and was registered along with his family as refugees. Therefore, at best, they could only be considered as refugees and the petitioner's son, after having been enlarged on bail, should have been sent to the Srilankan Tamil Rehabilitation Camp at Gummidipoondi and should not have been confined at the Foreigners Special Camp at Trichy.

4. The fourth respondent filed a counter affidavit for himself and on behalf of the other respondents wherein they took the following stand :

(i) The petitioner's son is one of the accused in Crime No.1 of 2024 for various offences under the Indian Penal Code, the Passport Act, 1967, the Foreigners Act, 1946 and the Information Technology Act, 2000. When the petitioner's son was enlarged on bail vide order dated 04.4.2024 in CrI.M.P.No.2564 of 2024 on the file of the Principal Sessions Court, Thanjavur, a specific condition was imposed to the effect that he must be lodged at the Foreigners Special Camp at Trichy.



WP.No.17137 of 2025

WEB COPY

(ii) Within a short span, the petitioner's son approached the Principal Sessions Court, Thanjavur by filing Crl.M.P.No.2909 of 2024 seeking to modify the said condition and it was ultimately dismissed by order dated 23.4.2024. Thereafter, the petitioner filed Crl.O.P.(MD) No.9159 of 2024 before the Madurai Bench of this Court challenging the said order dated 23.4.2024 raising health grounds. The said criminal original petition was also dismissed by the Madurai Bench of this Court vide order dated 26.6.2024.

(iii) Sufficient treatment was given to the petitioner's son at the Government Hospital, Trichy and therefore, the petitioner cannot seek for the release of her son from the Foreigners Camp by citing his health condition. The petitioner's son is not Indian citizen and as per the Foreigners Act, 1946, it is legal to accommodate him only in the Foreigners Special Camp at Trichy.

(iv) The respondents placed specific reliance on Section 3(2)(e) of the Foreigners Act, 1946. That apart, according to them, even when bail is granted, the Authorities are entitled to direct the foreigner to reside in a designated place and there is nothing illegal in directing the petitioner to stay at the Foreigners Special Camp at Trichy.



WP.No.17137 of 2025

WEB COPY

(v) The respondents, placing reliance upon the Citizenship Act, 1955, took a stand that even though the petitioner's son was born in India, he is a refugee and that he cannot get citizenship either by birth or by registration or by naturalisation. Ultimately, they sought for dismissal of this writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned Government Order.

6. When the writ petition came up for hearing on 23.6.2025, this Court passed the following order :

"When the matter was taken up for hearing, the learned Additional Government Pleader appearing on behalf of the respondents produced the written instructions received from the Special Secretary to Government and the relevant portions are extracted hereunder:-

- *Mr.Manikandan, a Sri Lankan National was arrested by the Thanjavur 'Q' Branch CID, Cr.No.01/2024 under Section 120(b), 420, 465, 467, 471, 109, 170 Indian Penal Code r/w 129(1)(b), 12(1A)(a), 12(2) of the*



WEB COPY



WP.No.17137 of 2025

Passport Act 1967 and 14(c) of the Foreigners Act 1946, sections 66C, 66D of Information Technology Act, 2000 for fraudulently obtaining Indian Passport, by suppressing his Sri Lankan Nationality.

- *The above case is under investigation.*
- *Orders under section 3(2)(e) of the Foreigners Act, 1946 were issued against Mr.Manikandan in G.O.(1D) No.177, Public (Foreigners.II) Department, dated 22.04.2024 and he was housed in the Special Camp at Tiruchirappalli on 24.04.2024.*
- *As per the instructions issued by the Ministry of Home Affairs (Foreigners Division), Government of India, in its Ref.No. 25022/19/ 2014/F1, dated 24.04.2014, a foreigner, who is arrested and action taken under relevant Acts, can be deported after completion of sentence/court proceedings.*

2. The learned Additional Government Pleader also produced the order passed in CrI.O.P.(MD) No.9159 of 2024 dated 26.06.2024, which was a modification petition filed by the Sri Lankan national before the Madurai Bench to modify the condition imposed while enlarging him on bail. The relevant portions are extracted hereunder:-

'The petitioner claimed that his parents and



WEB COPY



WP.No.17137 of 2025

relatives are living in Kumudipoondi and he is also undergoing medical treatment for his heart and throat ailment at Kumudipoondi. Therefore, he filed a modification petition to modify the place of lodging him at Special Deputy Collector, Foreigners Special Camp, Kumudipoondi, instead of Special Deputy Collector, Foreigners Special Camp, Trichy. But, the said application was dismissed by the learned Principal Session Judge, Thanjavur, by order dated 09.02.2023. Challenging the same, the present petition has been filed.

2. The learned Additional Public Prosecutor raised serious objection that the petitioner is now confined at the Foreigners Special Camp, Trichy. The petitioner wants to stay at Foreigners Special Camp, Kumudipoondi in order to take medical treatment for his ailments at Kumdipoondi. The Kumdipoondi camp is only a refugee camp and there cannot be any control over the refugees. Therefore, it is not safe for the petitioner to be lodged at the Foreigners Special Camp, Kumdipoondi. He further submits that there are sufficient medical facilities available at Trichy and therefore, the petitioner can take medical treatment at Trichy.

3. Since there are sufficient medical facilities available at Trichy, this Court is of the view that there is no reason to modify the said condition.'

3. The learned counsel for petitioner is



WEB COPY



WP.No.17137 of 2025

directed to take instructions on the stand that has now been taken by the respondents.

4. Post this case on 30.06.2025."

7. When the matter was once again listed for hearing on 30.6.2025, this Court passed the following order :

"The learned counsel for the petitioner is relying upon the medical certificate that has been issued in the year 2023 and he contented that the petitioner's son is suffering from acute Nephritic syndrome. In view of the same, the petitioner wants to take care of her son, who is presently staying at Foreigners Special Camp at Thiuchirapalli. The petitioner is staying at Srilankan Tamil Rehabilitation Camp at Thiruchirapalli. In order to ascertain the health condition of the petitioner's son, there shall be a direction to the Special Deputy Collector, Foreigners Special Camp, Tiruchirapalli, to produce the petitioner's son before the Government Hospital, Trichirapalli and get a medical report with regard to the health status of the petitioner's son and produce the same before this Court. A copy of this order shall also be marked to the Special Deputy Collector, Foreigners Special Camp, Tiruchirapalli.

2. Post this writ petition under the same



WP.No.17137 of 2025

WEB COPY

caption on 14.07.2025."

8. Again, when the matter was listed for hearing on 21.7.2025, this Court passed the following order :

"The Deputy Superintendent of Police, Q Branch, Thanjavur, is suo motu added as the fourth respondent in this writ petition. Mr.E.Vijay Anand, learned Additional Government Pleader, takes notice for the impleaded fourth respondent.

2. Pursuant to the earlier order, the medical report of the petitioner was placed before this Court. It is seen that the health condition of the petitioner is stable and he is being reviewed periodically.

3. The only issue to be gone into in the present writ petition is that the petitioner, who is the mother of Manikandan and her family were registered as refugees in the year 1990. Manikandan was born in India in the year 1998, which is evident from the birth certificate given by the concerned authority which shows that Manikandan was born in Pethikuppam at Gummidipoondi Taluk, Tiruvallur District. He continued to live in India. Under such circumstances, the fundamental question that arises for consideration is as to whether the said Manikandan can be categorised as a foreigner and



WEB COPY



WP.No.17137 of 2025

he can be confined in the Special Camp, Tiruchirapalli.

4. Learned Additional Government Pleader seeks for some time to take instructions in this regard and to file a counter.

Post this writ petition on 04.08.2025. In the mean time, the first respondent shall file counter."

9. The short issue that arises for consideration in this writ petition is as to whether the impugned Government Order issued by the first respondent is liable to be interfered by this Court.

10. The petitioner and her husband are Srilankan Tamil refugees and they are staying at the Srilankan Tamil Rehabilitation Camp at Gummidipoondi. The petitioner's son was born inside the refugee camp on 11.12.1998. The petitioner's son is alleged to have been involved in a case in Crime No.1 of 2024 that was investigated by the fourth respondent and he was arrested during the course of investigation.



WP.No.17137 of 2025

WEB COPY

11. The Principal Sessions Court, Thanjavur, by order dated 04.4.2024 in CrI.M.P.No.2564 of 2024, released the petitioner's son on bail by imposing a condition that he must stay at the Foreigners Special Camp at Trichy. It is relevant to note that the petitioner's son again approached the Principal Sessions Court, Thanjavur immediately thereafter by filing CrI.M.P.No.2909 of 2024 seeking to modify the condition imposed in the said order dated 04.4.2024. But, CrI.M.P.No. 2909 of 2024 was ultimately dismissed by order dated 23.4.2024. Thereafter, the petitioner filed CrI.O.P.(MD) No.9159 of 2024 before the Madurai Bench of this Court challenging the said order dated 23.4.2024 by raising medical grounds. However, the said criminal original petition was also dismissed by the Madurai Bench of this Court vide order dated 26.6.2024, the relevant portions of which are extracted as hereunder :

".....

The petitioner claimed that his parents and relatives are living in Kumudipoondi and he is also undergoing medical treatment for his heart and throat ailment at Kumudipoondi. Therefore, he filed a modification petition to modify the place of lodging him at Special Deputy Collector, Foreigners Special Camp, Kumudipoondi, instead of Special



WEB COPY



WP.No.17137 of 2025

Deputy Collector, Foreigners Special Camp, Trichy. But, the said application was dismissed by the learned Principal Session Judge, Thanjavur, by order dated 09.02.2023. Challenging the same, the present petition has been filed.

2. The learned Additional Public Prosecutor raised serious objection that the petitioner is now confined at the Foreigners Special Camp, Trichy. The petitioner wants to stay at Foreigners Special Camp, Kumudipoondi in order to take medical treatment for his ailments at Kumdipoondi. The Kumdipoondi camp is only a refugee camp and there cannot be any control over the refugees. Therefore, it is not safe for the petitioner to be lodged at the Foreigners Special Camp, Kumdipoondi. He further submits that there are sufficient medical facilities available at Trichy and therefore, the petitioner can take medical treatment at Trichy.

3. Since there are sufficient medical facilities available at Trichy, this Court is of the view that there is no reason to modify the said condition."

12. The continuation of the petitioner's son in the Foreigners Special Camp at Trichy was upheld by this Court and this Court also accepted the stand taken by the fourth respondent to the effect that it is not safe for the petitioner's son to be lodged in the Foreigners



WP.No.17137 of 2025

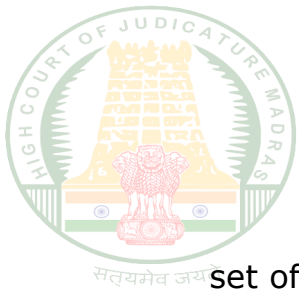
Special Camp at Gummidipoondi.

WEB COPY

13. Section 3(1) of the Foreigners Act, 1946 deals with prohibiting, regulating and restricting the entry of foreigners into India or their departure therefrom. Sub-Section (2) of Section 3 provides for passing orders. Clause (e) to Sub-Section (2) of Section 3 deals with the power of the Authority to impose such conditions.

14. The main ground that was urged by the learned counsel for the petitioner is that the Foreigners Special Camp at Trichy must be considered as a jail and that therefore, the petitioner's son ought not to have been confined in that camp, which is in violation of Article 21 of The Constitution of India.

15. This Court has repeatedly held that staying in a special camp does not tantamount to arresting a person. Useful reference can be made to a decision rendered by me in **Rajan Vs. State [reported in 2021 (1) MLJ (Criminal) 626]** wherein I had an occasion to deal with the scope of Section 428 of the Criminal Procedure Code and it was ultimately held that the period of stay in a special camp cannot be



WP.No.17137 of 2025

set off under Section 428 of the Criminal Procedure Code.

WEB COPY

16. In so far as the medical ground that was raised by the learned counsel for the petitioner is concerned, this Court called for a report and it was duly sent. On going through the report, it is seen that the health condition of the petitioner's son is stable and that he is reviewed periodically.

17. The petitioner's son is staying in the Foreigners Special Camp at Trichy pursuant to the condition imposed when he was enlarged on bail by the Principal Sessions Court, Thanjavur on 04.4.2024. Such a condition was also upheld by the Madurai Bench of this Court while passing orders dated 26.6.2024 in CrI.O.P.(MD) No. 9159 of 2024. Admittedly, the petitioner's son is not an Indian citizen either by birth or by descent or by naturalisation. Hence, the petitioner's son must be considered to be a foreigner. The petitioner's son, having been born in India, cannot claim the Indian citizenship since, for those persons who were born after 1987, citizenship by birth can be claimed only if either of the parents is a citizen of India at the time of birth. This condition was not satisfied by the petitioner's son.



WP.No.17137 of 2025

WEB COPY

18. On a conspectus of all the materials placed before this Court and also considering the fact that the petitioner's son is staying in the Foreigners Special Camp at Trichy pursuant to the condition imposed by the Principal Sessions Court, Thanjavur as confirmed by the Madurai Bench of this Court, interfering with the impugned Government Order issued by the first respondent will indirectly amount to reconsidering the same issue and reversing the condition imposed while enlarging the petitioner's son on bail. Hence, this Court does not find any ground to grant the relief as sought for by the petitioner.

19. Accordingly, the above writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

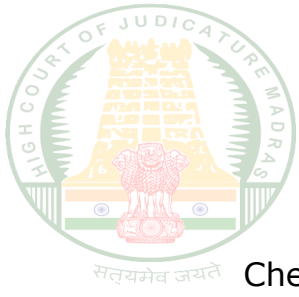
08.8.2025

To

1.The Principal Secretary to
Government (FAC), Public
(Foreigners-II) Department,
Secretariat, St.George Fort,
Chennai-9.

2.The Commissioner,
Commissionerate of
Rehabilitation & Welfare of
Non Resident Tamils,

16/18



WP.No.17137 of 2025

Chepauk, Chennai-5.

WEB COPY

- 3.The District Collector,
Trichy District, In-charge of
Trichy Special Camp, Trichy.
- 4.The Deputy Superintendent of
Police, Q Branch, Thanjavur.

RS



WEB COPY



WP.No.17137 of 2025

N.ANAND VENKATESH,J

RS

WP.No.17137 of 2025&
WMP.No.19424 of 2025

08.8.2025