



WEB COPY



W.P.No.18275 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2025

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No. 18275 of 2025

K.Kanagambikai

.. Petitioner

VS

- 1.State of Tamil Nadu
Rep. by its Secretary to Government,
Public (Foreigners – II) Department,
Secretariat, Chennai – 600 009.
- 2.The Secretary to Government,
Public (S.C) Department,
Secretariat, Chennai – 600 009.
- 3.The Superintendent of Police,
Q-Branch CID, Mylapore,
Chennai – 600 004.
- 4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli – 20.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records No.1549/A.No.2/2025-3 dated 17.04.2025 passed by the respondent no.1, and quash the same and consequently direct the respondents to permit the petitioner's son namely Krishnakumar



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@ Kanthan, son of Kanthasamy, to reside with the petitioner at Srilankan Refugee Camp, Uchapatti, Madurai District, till 23.5.2025.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Made by G.R.SWAMINATHAN., J.)

Heard both sides.

2. The petitioner's son was convicted and sentenced for the offences under the Unlawful Activities (Prevention) Act, 1967 in S.C.No. 7 of 2016 on the file of the Principal District and Sessions Court, Ramanathapuram vide judgment dated 28.04.2018. The sentence was subsequently reduced to seven years in CrI.A.(MD) No. 35 of 2018 on the file of the Madurai Bench of this Court. The sentence period is also over. The petitioner's son is presently confined in a Special Camp at Tiruchirappalli. The petitioner is residing in the Srilankan Refugee Camp, Uchapatti at Madurai. The petitioner wants this Court to permit her son to reside with her. This request was rejected by the first respondent *vide* communication dated 17.04.2025. This communication is put to challenge in this writ petition for the reasons set out in the affidavit filed in support of this writ petition.



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3. Learned counsel for the petitioner draws our attention to Section 3(2)(e)(i) of the Foreigners Act, 1946 and contends that the impugned order should be set aside.

4. We are not swayed by the submission made by the learned counsel for the petitioner. It is a fact that the petitioner's son has already been ordered to be deported to Srilanka by the Central Government.

5. The specific stand of the learned Additional Public Prosecutor is that on account of non-cooperation on the part of the writ petitioner's son, deportation order could not be implemented so far.

6. We are of the view that the petitioner has adopted this *modus operandi* only to drag on the deportation process. We are not inclined to interfere with the impugned order.

7. This writ petition is dismissed. No costs.

[G.R.S.,J] [V.L.N.,J]
14.05.2025

Index:Yes/No
Neutral Citation:Yes/No
cad/ssm



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G.R.SWAMINATHAN, J.
and
V. LAKSHMINARAYANAN, J.

cad/ssm

To

- 1.The Secretary to Government,
Public (Foreigners – II) Department,
Secretariat, Chennai – 600 009.
- 2.The Secretary to Government,
Public (S.C) Department,
Secretariat, Chennai – 600 009.
- 3.The Superintendent of Police,
Q-Branch CID, Mylapore,
Chennai – 600 004.
- 4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli – 20.
- 5.The Public Prosecutor
High Court, Madras.

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