



WEB COPY

WP No. 46960 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**WP No. 46960 of 2025
and
WMP No.52455 of 2025**

Karthikan Gopal

Petitioner(s)

Vs

1. The Foreigner Regulation
Registration Officer (FRRO)
Bureau Of Immigration,
Shastri Bhavan Annexure,
No 26 Haddows Road,
Chennai District

2.The Commissioner Of Police
Chennai City Police Commissioner's Office
Chennai 600 007

3.The Inspector Of Police,
M-3 Puzhaal Police Station,
Chennai District

Respondent(s)

PRAYER

This writ petition filed under article 226 of the Constitution of India to issue a writ of certiorarified mandamus to Call for the records pertaining to the impugned deficiency letter dated 15.09.2025 Ref. File No TN0200776325



issued by the 1st respondent and quash the same as illegal and arbitrary and consequently direct the 1st respondent to consider the Police Clearance Certificate issued by the 3rd Respondent in favour of the petitioner to reopen and process the exit permit application No 010925WCNZ8Q dated 01.09.2025 by following the due process of law

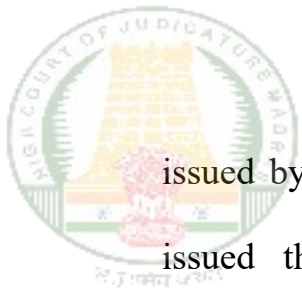
For Petitioner(s): Mr. Balaji Thirumoorthy

For Respondent(s): M/s.U.M.Sankar,
CGSC,
For R1
Mr.L.Baskaran,
Govt. Advocate
For R2 And R3

ORDER

Challenging the deficiency letter issued by the first respondent insisting the petitioner to produce a police clearance certificate from the Commissioner of Police from the date of arrival till date, the present writ petition has been filed.

2. The petitioner, a Malaysian citizen, entered India with a valid tourist visa, which expired on 16.06.2022. He overstayed due to certain personal family issues, but now intends to return to his country. Hence, he applied for an exit permit on 16.03.2025. Though he produced the police clearance certificate



issued by the third respondent on 28.08.2025, the first respondent once again issued the impugned letter dated 15.09.2025 insisted on production of police clearance certificate from the Commissioner of Police from the date of arrival till date . Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has already produced the clearance certificate issued by the third respondent as required in the earlier deficiency letter dated 28.03.2025. Issuing yet another deficiency letter insisting on further certificate from the Commissioner of Police is improper. The petitioner intends to leave the counter and seeks a direction to process his exit permit.

4. The learned Central Government Standing Counsel appearing for the first respondent, on instructions, would submit that clearance certificate from the Commissioner of Police is mandatory. Once such Certificate is produced, the application of the petitioner will be processed. It is also stated that the penalty for overstay of Rs.67,600/- has been imposed and collected. Hence, on production of the certificate from the Commissioner of Police, the application will be processed.



5. The learned Government Advocate appearing for the respondents 2 and 3, on instructions, would submit that if the petitioner approaches the second respondent, a proper enquiry will be conducted and necessary certificate will be issued.

6. I have considered the matter in the light of the submission made on both sides and perused the materials placed on record.

7. It is clear that since the prosecution was not launched under the provisions of the Foreigners Act(old Act), and since the new Act, namely, the Immigration and Foreigners Act 2025, has come into force only in 2025, the same cannot be applied retrospectively for the petitioner's overstay in the year 2022. Penalty has already been paid and the same has been collected by the first respondent.

8. Considering the facts and the submissions, the second respondent/ Commissioner of Police is directed to issue the required clearance certificate within a period of 15 days from the date of receipt of a copy of this order. On production of such certificate, the first respondent shall process the petitioner's application and grant exist permission within a period of 15 days thereafter.



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9. With the above observations and directions, this this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes

mrp

To

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Shastri Bhavan Annexure,
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