



W.P.No.6098 of 2024

R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for in this writ petition is for a Mandamus by way of a direction to the respondents to permit the husband of the petitioner Srikanan @ Murugan who is lodged at Special Camp (Foreigners Detention Centre) at Tiruchirapalli to appear before the Sri Lankan High Commission in Chennai on any working day between 09.30 to 15.30 Hrs and as and when required with escort to get all country passport.

2. Heard Mr.S.Doraisamy, learned counsel for the petitioner, Mr.G.Babu, learned Central Government Standing Counsel appearing for the first respondent and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents 2 and 3.

3. In fact the said individual viz., Srikanan @ Murugan himself had filed a writ petition in W.P.No.23209 of 2023 seeking the prayer of a writ of Mandamus to permit the petitioner to go to Sri Lanka Deputy High Commission office at Chennai with proper escort for getting all country passport and permit him to leave the country at his own costs.



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4. The said writ petition came to be disposed of by a Division Bench of this Court by an order dated 18.12.2023, whereby the Division Bench has passed the following order.

" 11. The first respondent filed counter affidavit. It is stated in the counter that the prayer sought for by the petitioner is only as against the second respondent. Only for the purpose of clarification, the counter is filed by the first respondent stating about the nationality of the petitioner. It is stated that after verifying the nationality and the country details, the petitioner will get travel document from the concerned Embassy/High Commission. In the process of repatriation, the travel document of the concerned foreigner will be sent to the first respondent. Thereafter, the same will be handed over to the foreigner with an exit permit. Generally, the foreigner is issued with one time travel document for the purpose of repatriation to his home country by the concerned Embassy/High Commission. However, in this case, the petitioner wants to visit directly the Deputy High Commission of Srilanka, Chennai and get all country passport in order to travel to UK. This practice of approaching the Embassy/High Commission directly may not be set as precedent for other foreign nationals, who might approach the Court and seek permission without following the due procedures.

12. At this juncture, we are inclined to grant the relief as prayed for by the petitioner only as against the State Government/2nd respondent. As stated by the 2nd respondent in



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the counter affidavit, as and when date and time is fixed by the Srilankan Deputy High Commission, Chennai, for appearance of the petitioner, the petitioner shall appear before the Srilankan Deputy High Commission, Chennai, On such date and time, the 2nd respondent is directed to provide necessary escort to the petitioner to enable him to appear before Srilankan Deputy High Commission, Chennai.

13. The petitioner's prayer as against first respondent is concerned, the petitioner can work out his remedy, in the manner known to law, at the relevant point of time.

14. Even though the learned counsel for the petitioner would rely on the orders of this Court, wherein, this court granted relief to the persons who are similarly placed for issuance of all country passport, the request of the petitioner for such relief in the case on hand is premature."

5. It is submitted in this context by the learned counsel for the petitioner that, after passing the said order by the Division Bench, the petitioner herein who is the wife of the earlier petitioner, who has been at the Detention Centre at Trichy seeking passport, appeared before the High Commission of Sri Lanka at Chennai, where it is claimed by the present petitioner. The following averments were made in the affidavit filed in support of the writ petition.

" 14. Thereafter on 13.02.2024 I went to the office of the Srilankan Deputy High Commission at Chennai along with my counsel advocate E.Duraivaiyapuri and submitted an application on



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behalf of my husband Srikan @ Murugan for getting all country passport and requesting the authority to give appointment to my husband to appear before Srilankan Deputy High Commission at Chennai. The concerned Officer of the Srilankan Deputy High Commission informed us that Srilankan National can visit this office on any working day between 11.00 a.m. , and 1.30 p.m. to obtain any consular assistance required and also informed us no separate procedure will be followed for providing specific appointments.

15. This was informed to the respondents by me as well as by my counsel on 13.02.2024 itself. However, no action was taken by the respondents. On the other hand, the 3rd respondent in his letter dated 16.02.2024 wrote to my counsel to get an appointment from the Sri Lankan Deputy High Commission for the production of Srikan @ Murugan before the Deputy High Commission as per the order passed by this Hon'ble Court dated 18.12.2023. My counsel also wrote a letter to the Sri Lankan Deputy High Commission on 21.02.2024 informing the letter issued by the District Collector dated 16.02.2024."

6. Relying upon these averments, the learned counsel for the petitioner would contend that the Srilankan High Commission would not give appointment to any such persons like the petitioner's husband for transacting business to get passport or travel document at the High Commission and such persons can visit the High Commission between 11.00 a.m. and 1.30 p.m., on any working day. Therefore based on the said pattern being followed by the High Commission, the State Authorities especially the District Collector at Trichy has to take necessary steps to



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bring the husband of the petitioner to the High Commission office at Chennai with full escort enabling him to appear before the High Commission Office between 11.00 a.m., and 1.30 p.m., on any working day.

7. In this context, the apprehension of the State authorities is that based on this understanding, as no communication whatsoever has been directly received by the District Collector, Trichy, if escort is provided and the husband of the petitioner is brought before the Srilankan High Commission on a particular day, if the High Commission, for want of time or any reason, could not complete the transaction of business with regard to the travel document or passport sought for by the individual and for such reason if any other date is given, once again the husband of the petitioner has to be taken back to Trichy Camp and again to be brought to Chennai.

8. Therefore, in order to avoid the unnecessary issues and complications, the State authorities especially the District Collector, Trichy can make efforts to fix up an appointment for bringing or producing the husband of the petitioner at the Srilankan High Commission office on any particular date and time and on that date and time, the petitioner's husband can be brought before the Srilankan High Commission at Chennai with escort to be provided by the State Authorities under the supervision of the District Collector, Trichy.



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9. Therefore in this context, we feel that the District Collector, Trichy who is the third respondent herein can take steps to contact the Srilankan High Commission at Chennai to fix up an appointment for the aforesaid transaction of business and if he is able to get appointment, on that date there could be no impediment to bring the husband of the petitioner from the Detention Camp at Trichy to the Srilankan High Commission at Chennai.

10. Hence, the third respondent is hereby directed to work out the possibility of getting an appointment as indicated above with the Srilankan High Commission at Chennai within a day or two and report the development before this Court by **12.03.2024**. Hence, post the matter on **12.03.2024** immediately after admission.

(R.S.K.,J.) (K.B.,J.)
08.03.2024

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Note : Issue the order copy today (08.03.2024)



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