



2026:KER:3631

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 16<sup>TH</sup> DAY OF JANUARY 2026 / 26TH POUSHA, 1947

WP(C) NO. 44831 OF 2025

PETITIONERS:

- 1      THENU JEYAPRIYAN  
         AGED 20 YEARS  
         S/O JEYASEELAN PERMANENTLY RESIDING AT NO.  
         158/12, 3RD LANE, ANANDHAPURI, TRINCOMALEE, SRI  
         LANKA PRESENTLY DETAINED AT NO. 39, GANDHIBHAVAN  
         INTERNATIONAL TRUST, PATHANAPURAM, KOLLAM, PIN -  
         689695
  
- 2      VOJIKA (MINOR)  
         AGED 17 YEARS  
         D/O JEYASEELAN, PERMANENTLY RESIDING AT NO.  
         158/12, 3RD LANE, ANANDHAPURI, TRINCOMALEE, SRI  
         LANKA PRESENTLY DETAINED AT NO. 39, GANDHIBHAVAN  
         INTERNATIONAL TRUST, PATHANAPURAM, KOLLAM  
         REPRESENTED BY HER FATHER AND NATURAL GUARDIAN  
         JEYASEELAN AGED 53 YEARS S/O SITHAMBARAM,  
         PERMANENTLY RESIDING AT NO. 158/12, 3RD LANE,  
         ANANDHAPURI, TRINCOMALEE, SRI LANKA PRESENTLY  
         DETAINED AT NO. 39, GANDHIBHAVAN INTERNATIONAL  
         TRUST, PATHANAPURAM, KOLLAM, PIN - 689695

BY ADV KUM.NIHARIKA HEMA RAJ

RESPONDENTS:

- 1      THE FOREIGNERS REGIONAL REGISTRATION OFFICER  
         AMRITH PLAZA, 1ST FLOOR, TC NO. 30/1398-3,  
         NALUMUKKU, PETTAH (P.O), TRIVANDRUM, PIN -  
         695024
  
- 2      INSPECTOR OF POLICE  
         NATIONAL INVESTIGATION AGENCY, KALAMASSERY,



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KOCHI, PIN - 683503

BY ADV O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF  
INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 16.01.2026, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



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**BECHU KURIAN THOMAS,J****WP(C) No.44831 of 2025****Dated this the 16<sup>th</sup> day of January, 2026****JUDGMENT**

Petitioners are Sri Lankan citizens and are the children of the accused in R.C.03/2023/NIA/KOC and R.C.04/2023/NIA/KOC. Their parents were arrested by the National Investigation Agency in connection with the above mentioned two crimes. Petitioners were also taken into custody along with their parents. Thereafter, they have been detained at the building of the Gandhibhavan International Trust, Pathanapuram, Kollam, which is a Transit Home. The petitioners have been continuing in the said Transit Home for the last more than two years. Since petitioners are not involved in any criminal offence, they have approached this Court seeking a declaration that their continued detention is unconstitutional and also seek an appropriate direction to the 1st respondent to take immediate steps to facilitate their return to Sri Lanka. Directions are also sought for processing and issuing the necessary travel and exit documents, including



the exit permits.

2. A statement has been filed on behalf of the 1st respondent stating that the petitioners are holders of valid Sri Lankan passports and their Visas had expired on 14.10.2022. It is also stated that in BA No.7981 of 2022 dated 11.11.2022, this Court had directed the State Government to ensure that petitioners reside at the Gandhibhavan National Trust, Pathanapuram, Kollam until further orders, and thereafter they are residing in the said Transit Home. The statement further mentions that the 1st respondent has no objection to initiate the procedure for their repatriation to Sri Lanka, if they are not required for any further investigation by the National Investigation Agency. It is also prayed that this Court may direct the petitioners to apply for an exit permit, subject to the condition that they are not required by any investigating agency for further enquiry.

3. I have heard Smt.Niharika Hema Raj, the learned counsel for the petitioners as well as the learned Deputy Solicitor General of India.

4. During the course of hearing, the learned Deputy



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Solicitor General of India, upon instructions, submitted that the petitioners are not wanted by the National Investigation Agency for any enquiry or investigation. It was further submitted that petitioners are not wanted by any investigating agency and hence respondents have no objection to the petitioners exiting the country.

5. Since there is no dispute from the side of the respondents to the petitioners' exit, and they are also not wanted by any investigating agency in the country, I am of the view that the petitioners ought to be permitted to leave India at the earliest. The continued detention of the petitioners in India will amount to a deprivation of the right to life and liberty of the petitioners. Since petitioners visas have expired, the 1<sup>st</sup> respondent must initiate necessary steps to issue an exit permit and other travel documents at the earliest to enable their return to Sri Lanka.

6. In the result, there will be a direction to the 1<sup>st</sup> respondent to take immediate steps to facilitate the petitioners return to Sri Lanka by issuing the required exit permit and other travel documents at the earliest at any rate not later



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than two weeks from the date of application for such exit permit. The 1<sup>st</sup> respondent shall ensure that petitioners exit the country at the earliest and if any hurdle is caused, the same shall be overcome at the earliest using the good offices of the 1<sup>st</sup> respondent.

The writ petition is allowed.

sd/-

**BECHU KURIAN THOMAS,JUDGE**

pm



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APPENDIX OF WP(C) NO. 44831 OF 2025

PETITIONERS' EXHIBITS

Exhibit P1	TRUE COPY OF THE FIRST PAGE OF THE 1ST PETITIONER'S SRI LANKAN PASSPORT (NO. N9627443), ISSUED ON 24.06.2022
Exhibit P2	TRUE COPY OF THE FIRST PAGE OF THE 2ND PETITIONER'S SRI LANKAN PASSPORT (NO. N9627442), ISSUED ON 24.06.2022
Exhibit P3	TRUE COPY OF THE SRI LANKAN NATIONAL IDENTITY CARD (NO. 200528002194) ISSUED ON 12.02.2025 TO THE 1ST PETITIONER