

Application for Leave to Apply for Judicial Review (0.53, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

G0204
CAUSE NO. OF 2011



BETWEEN: AMITAVA DUTTA

PLAINTIFF

AND: LINDA EVANS, CHIEF IMMIGRATION OFFICER

AND: JEREMY SCOTT, DEPUTY CHIEF IMMIGRATION OFFICER



DEFENDANT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

The Applicant requests an oral hearing pursuant to O.53, r.3 (3)

The Applicant requests an expedited hearing given the nature of the decision to be reviewed

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant(s)	Amitava Dutta Apartment 11, Building No. 5 , Colombus Close, Walkers Road, George Town, Grand Cayman Indian national

	<p>Director of Timbuktu Restaurant West Bay</p>
<p>Judgment, order, decision or other proceeding in respect of which relief is sought</p>	<p>The decision of Chief Immigration Officer to refuse application to remain in the jurisdiction for a reasonable period of time post release from custody is illegal, irrational and procedurally improper</p>
<p style="text-align: center;">Relief Sought</p> <p>An order of Certiorari quashing the decision of the CIO, and</p> <p>An order of Certiorari quashing the decision of the Deputy CIO, and</p> <p>An order of Mandamus requiring the CIO to make her decision afresh, and</p> <p>An order of Mandamus requiring the Appellant the opportunity of making informed representations, and</p> <p>An Prohibition on the removal of the applicant until the determination of the decision,</p>	

And in the interim:

An injunction prohibiting the removal of the applicant pending the determination of these judicial review proceedings (O.53, r.3 (10)(a)), and

Such further and other relief as the Court may deem appropriate in all the circumstances; and

Costs

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant

Samson & McGrath, Attorneys-at-Law for the Applicant, whose address for service is 5th Floor, Genesis Building, PO 446 GT, Grand Cayman.

Signed



Dated 30th May 2011

GROUND ON WHICH RELIEF IS SOUGHT

The grounds are that the decisions were illegal, irrational and unfair. Particulars are contained in the supporting affidavit of Amitava Dutta.

Dated the 30th day of May 2011

Filed the 30th day of May 2011

Samson & McGrath

Samson & McGrath

Attorneys-at-Law for the Applicant

TO: The Clerk of the Courts

THIS APPLICATION was filed by Samson & McGrath, Attorneys-at-Law for the Applicant, whose address for service is 5th Floor, Genesis Building, PO 446 GT, Grand Cayman.