

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

Civil Action No. HBM 92 of 2025

BETWEEN : **SURESH CHANDRA**
Applicant

AND : **THE CHIEF REGISTRAR**
First Respondent

**THE PERMANENT SECRETARY OF
IMMIGRATION**
Second Defendant

THE ATTORNEY-GENERAL OF FIJI
Third Defendant

Counsel : **Mr Khan for Applicant**
Ms Naulumatua and Ms Liku for 1st-3rd Respondents

Hearing : **4 August 2024**

Judgment : **6 August 2025**

EXTEMPORE JUDGMENT

(on application for interim orders)

[1] The applicant seeks, as per his Interim Notice of Motion filed with this Court on 16 July 2025, an order that he be permitted to travel to Australia for urgent medical treatment.

[2] The proceeding itself was filed on 7 July by way of a Notice of Motion, and an affidavit in support, seeking declarations pertaining to the applicant's attempt to travel overseas in November 2024 to receive medical treatment. He was prevented from doing so by Fiji Immigration. The applicant seeks declarations that his rights under the 2013 Constitution were breached. He seeks compensation and damages for the breach.

Background

[3] In 2021, the applicant was charged with disciplinary offences by the Independent Legal Services Commission (**ILSC**). The ILSC made the following interim orders on 8 December 2021:

1. *That an immediate stop-departure order is issued against the respondent [the applicant in the present proceeding] until the determination of charges laid against the respondent before the Independent Legal Services Commission.*

2. *Applicant [the Chief Registrar] is to serve a copy of ex parte stop-departure order on the Fiji Border Police and Fiji Immigration Department and the respondent.*

- [4] On 20 December 2021, the applicant obtained a temporary lifting of the stop-departure order to allow him to travel to Australia for medical treatment. The applicant stated to the Court at the hearing on 4 August that he obtained a lifting of the same order on about six or seven occasions between 2021 and 2024. The ILSC determined the charges on 3 March 2023. The applicant was found guilty of five of the six counts and he was sentenced on 25 April 2023. The penalty of the ILSC contained a number of orders, including that the applicant be struck from the roll of legal practitioners, that his firm cease to operate and that he pay a fine of \$500,000 - there was no order made in respect to the stop-departure order.
- [5] The applicant appealed, unsuccessfully, to the Court of Appeal. The appeal was dismissed on 27 April 2024. There followed an appeal to the Supreme Court.
- [6] On 29 November 2024, while the appeal to the Supreme Court was on foot, the applicant attempted to travel to Australia for medical treatment. He was stopped by immigration officials at Nadi Airport who were enforcing the 2021 stop departure order.
- [7] On 30 April 2025, the Supreme Court dismissed the applicant's appeal and made some slight adjustments to the fine imposed by the ILSC.

Decision

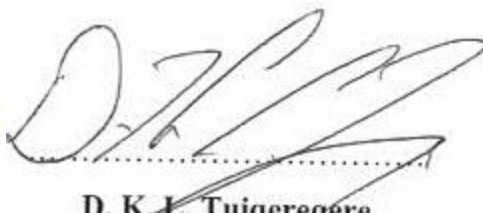
- [8] The present application is premised on the fact that there is a stop-departure order currently in place preventing the applicant from leaving Fiji. The applicant seeks an order that he *'be permitted to travel to Australia for emergency medical treatment on terms and conditions approved by this Honourable Court'*.

[9] I have heard submissions from the applicant in relation to his medical condition and whether it warrants the making of the order to allow him to travel immediately to Australia to receive medical treatment. I do not need to make a decision on this. The reason being, that I am satisfied that there is no stop-departure order currently in place. The stop departure order made by the ILSC on 8 December 2021 remained in place only *‘until the determination of charges laid against the respondent before the Independent Legal Services Commission’*. Those charges were determined either when the penalty was delivered by ILSC on 25 April 2023, or, alternatively, when the Supreme Court dismissed the final appeal on 30 April 2025.

[10] That being the case, I have no jurisdiction to grant the order sought by the applicant in his Interim Notice of Motion. My orders are as follows:

- i. The Interim Notice of Motion is dismissed.
- ii. The First Respondent is to immediately inform Fiji Immigration that the stop-departure order of 8 December 2021 is no longer valid.
- iii. There is no order as to costs.




D. K. L. Tuiqereqere
JUDGE

Solicitors:

Attorney-General's Chambers for First, Second and Third Respondents