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WA-24-16-04/2022

DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
DALAM NEGERI WILAYAH PERSEKUTUAN KUALA LUMPUR, MALAYSIA
SAMAN PEMULA NO. WA-24-16-04/2022

Dalam perkara berkenaan Mahkamah
Sesyen Khas PATI Pekan Nenas,
Johor, No. Kes 62PT-900-03/2018; dan

Dalam perkara berkenaan "*Order of
Discharge on Payment of Fine*"
bertarikh 26/03/2018; dan

Dalam perkara berkenaan seksyen
51(5)(b) Akta Imigresen 1959/63; dan

Dalam perkara berkenaan Perkara 5
dan 8 Perlembagaan Persekutuan; dan

Dalam perkara berkenaan seksyen
25(2) dan Jadual kepada Akta
Mahkamah Kehakiman 1964; dan

Dalam perkara berkenaan Aturan 7 &
A.15 k.16, Kaedah-kaedah Mahkamah
2012; dan

Dalam perkara berkenaan bidang kuasa
sedia ada Mahkamah.

ANTARA

WONG CHUN KHUEN
**(NO. PASPOT SINGAPURA. K1114442D/
NO. PASPOT LAMA. E5828703J)**

... PLAINTIF

DAN

KETUA PENGARAH IMIGRESEN MALAYSIA

... DEFENDAN

DI HADAPAN HAKIM

AMARJEET SINGH A/L SERJIT SINGH

PADA 12 SEPTEMBER 2022

DALAM KAMAR

PERINTAH

(Kandungan 1)



ATAS PERMOHONAN pihak Plaintiff yang ditetapkan untuk pendengaran pada hari ini dalam kehadiran Dr. Arunachalam Kasi (bersamanya Lee Hui Ching), peguamcara bagi pihak Plaintiff dan Mohammad Sallehuddin Bin Md Ali, Peguam Persekutuan bagi pihak Defendan **DAN SETELAH MEMBACA** Saman Pemula (Kandungan 1) bertarikh 27 Januari 2022, affidavit-afidavit dan hujahan-hujahan bertulis kedua-dua pihak dan kesemuanya yang difailkan di sini **DAN SETELAH MENDENGAR** hujahan pihak-pihak **MAKA ADALAH DIPERINTAHKAN** bahawa:

1. Deklarasi bahawa penahanan Plaintiff dari 27/03/2018 hingga 03/04/2018 adalah menyalahi undang-undang, tidak sah dan tidak berperlembagaan; dan
2. Ganti rugi untuk ditaksirkan oleh Mahkamah yang Mulia ini.

Bertarikh 12 September 2022.



NUR ASLAMIAH BT JAMIL
Penolong Kanan Pendaftar
Mahkamah Tinggi Malaya
Kuala Lumpur

Penolong Kanan Pendaftar
Mahkamah Tinggi Malaya
Kuala Lumpur

Perintah (Kandungan 1) ini difailkan oleh Tetuan Arun Kasi & Co, peguamcara bagi pihak Plaintiff yang beralamat di Suite 01-09, Menara TKSS, No. 206, Jalan Segambut, 51200 Kuala Lumpur.

Tel: 012-238 1945 E-mel: arunkasi@arunkasico.com Ruj:000189/2022/Wong v DGI



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**IN THE HIGH COURT OF MALAYA AT KUALA LUMPUR
IN THE FEDERAL TERRITORY OF KUALA LUMPUR, MALAYSIA
ORIGINATING SUMMONS NO. WA-24-16-04/2022**

In the matter of Sessions Court (Special Court for Illegal Immigrants), Pekan Nenas, Johor, Case No. 62PT-900-03/2018; and

In the matter of Order of Discharge on Payment of Fine dated 26/03/2018; and

In the matter of section 51(5)(b) of Immigration Act 1959/63; and

In the matter of Articles 5 and 8 of Federal Constitution; and

In the matter of section 25(2) and the Schedule to the Courts of Judicature Act 1964; and

In the matter of Order 7 & O.15 r.16 of Rules of Court 2012; and

In the matter of the inherent jurisdiction of the Court.

BETWEEN

**WONG CHUN KHUEN
(SINGAPORE PASSPORT NO. K1114442D/
OLD PASSPORT NO. E5828703J)**

... PLAINTIFF

AND

DIRECTOR-GENERAL OF IMMIGRATION MALAYSIA

... DEFENDANT

BEFORE THE JUDGE

AMARJEET SINGH A/L SERJIT SINGH

ON 12TH SEPTEMBER 2022

IN CHAMBERS

ORDER

(Enclosure 1)



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UPON THE APPLICATION of the Plaintiff that is fixed for hearing today in the presence of Dr. Arunachalam Kasi (Lee Hui Ching with him), counsel for the Plaintiff and Mohammad Sallehuddin Bin Md Ali, Federal Counsel for the Defendant **AND UPON READING** the Originating Summons (Enclosure 1) dated 27th January 2022, affidavits and written submissions of both parties and all that is filed herein **AND UPON HEARING** the aforesaid counsels, **IT IS HEREBY ORDERED** that:

1. A declaration that the Plaintiff's detention from 27/03/2018 to 03/04/2018 was illegal, unlawful and unconstitutional; and
2. Damages to be assessed by this Honourable Court.

Dated 12th September 2022.

.....
Senior Assistant Registrar
High Court of Malaya
Kuala Lumpur

This **ORDER** (**Enclosure 1**) is filed by Messrs. Arun Kasi & Co, solicitors for the Plaintiff, whose address for service is at Suite 01-09, Menara TKSS, No. 206, Jalan Segambut, 51200 Kuala Lumpur.

Tel: 012-238 1945 Email: arunkasi@arunkasico.com Ref:000189/2022/Wong v DGI



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