

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C) .No. 5064 of 2015 (G)

PETITIONER(S) :

VIJAYAN RAVIKUMAR,
S/O.VIJAYAN, AGED 50 YEARS,
MACHANGALATH HOUSE, CHOWANNUR P.O.,
THRISSUR DISTRICT.

BY ADVS.SRI.SANTHARAM.P
SMT.REKHA ARAVIND

RESPONDENT(S) :

1. UNION OF INDIA,
REP. BY HOME SECRETARY, MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI-110 001.
2. STATE OF KERALA.
REP. BY HOME SECRETARY, ROOM NO.127, NORTH BLOCK,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
3. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR.
4. SUPERINTENDENT OF POLICE,
THRISSUR DISTRICT.

R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 & 3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT P1 : TRUE COPY OF THE RESIDENTIAL PERMIT DATED 18-10-2002 ISSUED BY THE 4TH RESPONDENT.
- EXT P2 : TRUE COPY OF ENDORSEMENT MADE BY THE 4TH RESPONDENT REGARDING THE PENDENCY OF APPLICATION FOR EXTENSION OF STAY.
- EXT P3 : TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE COMPETENT AUTHORITY.
- EXT P3 (A) : TRUE COPY OF THE BIRTH CERTIFICATE OF THE FIRST CHILD ISSUED BY THE COMPETENT AUTHORITY.
- EXT P3 (B) : TRUE COPY OF THE BIRTH CERTIFICATE OF THE SECOND CHILD ISSUED BY THE COMPETENT AUTHORITY.
- EXT P4 : TRUE COPY OF THE COMMUNICATION DATED 17-11-2005 ISSUED BY THE 1ST RESPONDENT.
- EXT P5 : TRUE COPY OF THE COMMUNICATION DATED 31-01-2006 ISSUED BY THE SRILANKAN AUTHORITY.
- EXT P6 : TRUE COPY OF THE COMMUNICATION DATED 08-06-2011 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- EXT P7 : TRUE COPY OF THE INDIAN CITIZENSHIP BY REGISTRATION GRANTED TO PETITIONER'S SISTER.

RESPONDENT(S) ' EXHIBITS:

- EXT. R3 (A) : TRUE COPY OF THE FORWARDING LETTER DATED 06/02/2006.

/TRUE COPY/

P.A.TO JUDGE

rvs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.5064/2015**  
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Dated this the 22nd Day of December, 2015

J U D G M E N T

The petitioner is a Srilankan Citizen. He has renounced his Srilankan citizenship in the year 2006 for the purpose of obtaining Indian citizenship. He applied for Indian citizenship. He has approached this Court for the following reliefs:

“1. To issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to grant certificate of registration certifying the petitioner as a citizen of India, U/s.5(1) (c) of citizenship Act, 1955,

And

2. Such other order or direction deems fit and proper for this Hon'ble Court in facts and circumstances of the case.”

2. In the counter affidavit filed on behalf of the third respondent it is stated at para.9 as follows:

“It is submitted the citizenship application of Mr.Vijayan Ravikumar and other connected documents

have been forwarded to the State Government with recommendation in favour of the petitioner to register the Indian Citizenship. Copy of the forwarding letter dated 06/02/2006 sent by the District Collector, Thrissur to the Principal Secretary to Government Home (G) Department showing the details of documents forwarded to the Government of Kerala is produced herewith and the same may be marked as Exhibit R3(a). Yet the final decision has not been received. In these circumstances, suitable decision will be taken by the Government with the security of the country in mind.”

3. It appears that the files relating to the petitioner are missing. In such circumstances, it is open for the petitioner to file a fresh application before the third respondent-District Collector. It is submitted by the learned counsel for the petitioner that the petitioner has already filed a fresh application before the District Collector. If such an application is filed, the District Collector shall forward the same to the second respondent for necessary recommendation within one month. The second respondent shall thereafter, forward the

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-:3:-

recommendation to the first respondent within a further period of one month. In case, the renunciation certificate is missing from the file, the respondents shall consider the application of the petitioner without further insistence of production of renunciation certificate mentioned in Ext.R3(a) as the petitioner has produced such certificate before the District Collector along with earlier application. The interim order passed by this Court will continue till a final decision is taken by the Union Government.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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