

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 8199 of 2015 (Y)

PETITIONER(S):

**ANITHA DEVI RAMADASAN, AGED 57 YEARS,
W/O.M.RAMADASAN, RESIDING AT ALAKAPURI, P.O.UDMA
KASARAGOD DISTRICT.**

**BY ADVS.SRI.SURESH KUMAR KODOTH
SRI.K.PANTONY BINU**

RESPONDENT(S):

**1. UNION OF INDIA
REPRESENTED BY SECRETARY TO THE GOVERNMENT
MINISTRY OF HOME AFFAIRS, NEW DELHI-110001.**

**2. STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HOME, SECRETARIAT
THIRUVANANTHAPURAM-695001.**

**3. DISTRICT POLICE CHIEF
VIDYANAGAR, KASARAGOD-671123.**

**4. DISTRICT COLLECTOR
CIVIL STATION, VIDYANAGAR, KASARAGOD-671123.**

**5. PASSPORT OFFICER
REGIONAL PASSPORT OFFICER, KOZHIKODE-673001.**

**R1 & R5 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2,3,4 BY GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** TRUE COPY OF FIJIAN PSSPORT OF PETITIONER.
- EXHIBIT-P2:** TRUE COPY OF MARRIAGE CERTIFICATE DATED 23.5.80.
- EXHIBIT-P3:** TRUE COPY OF COMMUNICATION DATED 13.11.1980 FROM THE OFFICE OF THE HIGH COMMISSION OF INDIA.
- EXHIBIT-P4:** TRUE COPY OF LETTER DATED 21.6.1990 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT-P5:** TRUE COPY OF LETTER DATED 31.1.1989 ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT-P6:** TRUE COPY OF PROCEEDING DATED 25.3.1998 BY THE THIRD RESPONDENT TO MAKE RENUNCIATION OF THE FIJIAN CITIZENSHIP.
- EXHIBIT-P7:** TRUE COPY OF THE CERTIFICATE OF RENUNCIATION OF FIJI CITIZENSHIP ON 28.12.1998.
- EXHIBIT-P8:** TRUE COPY OF LETTER DATED 5.8.2009 ISSUED BY THE FOURTH RESPONDENT.
- EXHIBIT-P9:** TRUE COPY OF THE LETTER DATED (DAY NIL)/2/2013 SENT BY FOURTH RESPONDENT TO THE SECOND RESPONDENT.
- EXHIBIT-P10:** TRUE COPY OF THE LETTER DATED 27.11.2013 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT-P11:** TRUE COPY OF REPRESENTATION DATED 2-1-14 BEFORE THE R4
- EXHIBIT-P12:** TRUE COPY OF CERTIFICATE DATED 21.01.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT-P13:** TRUE COPY OF REPRESENTATION DATED 8.4.2014 BEFORE THE 5TH RESPONDENT.
- EXHIBIT-P14:** TRUE COPY OF THE REPRESENTATION DATED 30.12.2014 BEFORE THE HON'BLE THE PRIME MINISTER.
- EXHIBIT-P15:** TRUE COPY OF REPRESENTATION DATED 30.12.2014 BEFORE HON'BLE MINISTER OF HOME AFFAIRS.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A):** TRUE COPY OF THE LETTER DATED 25/3/15 ISSUED BY UNDER SECRETARY TO THE GOVERNMENT OF INDIA

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**EXHIBIT R1(B):TRUE COPY OF THE LETTER DATED 26/3/15 ISSUED BY THE R1 AND
ADDRESSED TO THE R2**

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 8199 of 2015

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Dated, this the 6th day of April, 2015

JUDGMENT

The petitioner, who was a citizen of Republic of Fiji, is aggrieved of the inaction on the part of the first respondent in issuing Indian citizenship to her in terms of Section 5 (1) (c) of the Citizenship Act. The learned counsel for the petitioner submits that the application preferred by the petitioner for issuance of Indian citizenship has not been considered by the first respondent, despite the recommendation given by the second respondent and renunciation of her Fijian citizenship, as required by the first respondent. Hence the writ petition, with the following prayers :

"(i) Issue a writ of mandamus commanding the first respondent to take action on petitioner's application for registration as Indian citizen, as recommended in Exhibit P10 within a shortest possible time.

(ii) Declare that petitioner entitled to be granted registration as Indian citizen in terms of section 5 (1) © of the Citizenship Act 1955.

(iii) Issue any other writ order or direction as this

Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. A statement has been filed on behalf of the first respondent with regard to the grievance projected in the writ petition. Paragraph Nos. 3 and 4 of the said statement read as follows:

"3. It is submitted that the 1st respondent as per letter dated 25.03.2015 addressed to the 2nd respondent has informed that Government of India have accepted the application of the petitioner for registration as a Citizen of India under Section 5(1)(c) of the Citizenship Act 1955, keeping in view the verification of eligibility and sustainability and recommendation made by the State Government as per their letter No. 33487/G2/2010/Home dated 27.11.2013. It was further stated that the applicant would be formally registered as a Citizen of India subject to fulfillment of the certain requirements referred to in the letter mentioned above. A true copy of the said letter dated 25.03.2015 is produced herewith and marked as Annexure R1(a).

4. By letter dated 26.03.2015 addressed to the 2nd respondent, the 1st respondent has required the former to obtain the documents referred to in

Annexure 1. A true copy of the letter dated 26.03.2015 issued by the 1st respondent and addressed to the 2nd respondent is produced herewith marked as Annexure R1 (b).

3. Heard the learned Government Pleader as well as the learned Central Government Counsel appearing on behalf of the respondents concerned.

4. It is pointed out by the learned Central Government Counsel that as per the terms of Annexure R1(a), as mentioned in paragraph 3 of the statement, the petitioner has to remit the fee prescribed by the Registrar @ Rs.10,000/- and also to satisfy the requirements as mentioned therein. It is stated that the application preferred by the petitioner has to be routed through the District Collector to the State.

5. The learned counsel for the petitioner submits that the petitioner is ready to satisfy the said requirement.

6. After hearing both the sides, this Court finds that no further orders are necessary. The writ petition is disposed of, with liberty to the petitioner to satisfy the requirements as above and on submitting the proceedings after satisfying all the requirements, it shall be forwarded by the 4th respondent to the second respondent

within two weeks from the date of receipt of a copy of this judgment. In turn the second respondent shall forward the same to the first respondent as expeditiously as possible, at any rate, within one month thereafter. The proceedings shall be finalized by the first respondent within two months from the date of receipt of the proceedings.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd