

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 30749 of 2015 (P)

PETITIONER(S) :

**SREELATHA BHASKARAN PILLAI NAIR,
D/O.V.BHASKARAN PILLAI, AGED 46 YEARS,
KURUMPELIL HOUSE, PERUMPUZHA P.O., KOLLAM.**

**BY ADVS.SRI.S.U.NAZAR
SRI.I.V.PRAMOD**

RESPONDENT(S) :

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
MINISTRY OF HOME AFFAIRS, NDCC-II BUILDING,
JAISINGH ROAD, NEW DELHI-110 01.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM-695 001.**

*** ADDITIONAL R3 IMPEADED**

- 3. FOREIGNERS REGIONAL REGISTRATION OFFICER,
FOREIGNERS REGIONAL REGISTRATION OFFICE,
INTERNATIONAL AIRPORT, VALLAKADAVU,
TRIVANDRUM - 695 008.**

*** ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 27.11.2015 IN
I.A.NO. 16994 OF 2015.**

**R1 & R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: A TRUE COPY OF THE APPLICATION DATED 07.08.2013 OF MHA FILE NO.2013060035 FILED BY THE PETITIONER.**
- EXT.P2: A TRUE COPY OF THE NOTARIZED COPY OF THE PETITIONER'S US PASSPORT (RELEVANT PAGE) SUBMITTED ALONG WITH EXHIBIT P1.**
- EXT.P3: A TRUE COPY OF THE CHARACTER CERTIFICATE ISSUED BY MEMBER OF KERALA LEGISLATIVE ASSEMBLY, KUNDARA, WHEREIN THE PETITIONER'S HOUSE SITUATE, WHICH WAS ANNEXED TO EXHIBIT P1.**
- EXT.P4: A TRUE COPY OF THE CHARACTER CERTIFICATE ISSUED BY MEMBER OF PARLIAMENT (LOK SABHA), KOLLAM, WHEREIN THE PETITIONER'S HOUSE SITUATE, WHICH WAS ANNEXED TO EXHIBIT P1.**
- EXT.P5: A TRUE COPY OF THE PETITIONER'S DISCHARGE CERTIFICATE ISSUED BY THE INDIAN AIR FORCE, WHICH WAS ANNEXED TO EXHIBIT P1.**
- EXT.P6: A TRUE COPY OF THE LETTER OF CONCILIATE GENERAL OF UNITED STATE OF AMERICA, CHENNAI DATED 16.07.2013 REVOKING THE PETITIONERS US PASSPORT, WHICH WAS ANNEXED AS EXHIBIT P1.**
- EXT.P7: A TRUE COPY OF AFFIDAVIT AND PETITION IN I.A.NO.556/2009 IN O.P.(G.W)NO.257/2009 BEFORE THE FAMILY COURT, KOLLAM DATED 04.03.2009.**
- EXT.P8: A TRUE COPY OF ORDER DATED 06.03.2009 IN I.A.NO.556/2009 IN O.P.(G.W)NO.257/2009 BEFORE THE FAMILY COURT, KOLLAM.**
- EXT.P9: A TRUE COPY OF PETITION (FILE NO.45081) FILED BY THE PETITIONER'S ERSTWHILE HUSBAND BEFORE THE FAMILY COURT, OF THE STATE OF NEW YORK DATED 20.11.2006.**
- EXT.P10: A TRUE COPY OF THE JUDGMENT OF THE HONOURABLE HIGH COURT OF KERALA IN WP(CRL)NO.247/2010 DATED 21.07.2010.**
- EXT.P11: A TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER ISSUED BY THE REGISTRAR OF MARRIAGES ASSOCIATED WITH BANGALORE METROPOLITAN COUNCIL.**
- EXT.P12: A TRUE COPY OF APPLICATION FOR REGISTRATION AS CITIZEN OF INDIAN ON BEHALF OF THE PETITIONER'S SON DATED 10.08.2013.**

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.30749 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner and her son are U.S. Citizen. They have applied for registration of Indian Citizen after relinquishing U.S.Citizen. It appears that the petitioners application is in order. That was considered subject to surrendering Overseas Citizens of India (OCI) Card. The petitioners surrendered OCI Card before the FRRO, Cochin.

This Court is of the view that FRRO, Cochin shall forward the same either through the District Collector or directly to the Central Government. If there is any sufficient proof of OCI Card surrendered, the Central Government shall consider the application of the petitioner for Citizenship in accordance with law. It appears that the petitioners application has been

forwarded by the State Government as per Ext.P16. If that be so, such application is received, the same shall be considered by the Central Government in accordance with law. If not forwarded by the State Government, the State Government shall forward the same within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In

The 3rd sentence occurring in paragraph 2 of the judgment dated 21.12.2015 in W.P.(C) No.30749/2015 is corrected as “It appears that the petitioner's son's application has also been forwarded by the State Government as per Ext.P16” instead of “It appears that the petitioners application has been forwarded by the State Government as per Ext.P16” as per order dated 20.01.2016 in I.A.660/2016 in W.P.(C) No.30749/2015P.

Sd/-

Registrar (Judicial)