

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18316 of 2015

Mazelina

... Petitioner

Vs.

- 1 The Union of India
Rep by Secretary O C I Cell Foreigners
Division Ministry of Home Affairs NDCC II
Buildings Jansingh Road New Delhi
- 2 Foreigners Regional
Registration Officer Bureau of Immigration
Delhi
- 3 Foreigners Regional
Registration Officer Bureau of Immigration
Chennai 6
- 4 High Commissioner of India
Kulalumpur Malaysia ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the application dated 19.3.2015 made by the petitioner seeking to issue certificate of Registration as an overseas Citizen of India under Sec 7 A of The Citizenship Act 1955.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.A.Kumaraguru for R1 to R3
SCGS

ORDER

By consent the writ petition is taken up for final disposal.

2.The deponent of the affidavit is an Indian National and he married one Yasmin Jameila on 19.05.1991 and she was a Malaysian national and he was issued with Passport No.Z2798627 on 20.01.2014 which expires on 19.01.2024. The deponent of the affidavit would further state that he married petitioner namely, Mazelina as per Islamic rights on 26.08.2013 at Thailand and registered at Malaysia and she is a Malaysian national and she was also issued with

Malaysian Passport No.A31032572 on 24.10.2013 which expires on 01.12.2018. He would further state that as per Section 7 A of The Citizenship Act 1955, overseas Indians are issued with certificate of registration and the deponent's first wife was also issued with certificate of registration as Overseas Citizen of India and also to the daughter born through her for life.

3.The second wife of the deponent namely, Mazelina/ petitioner had also applied for certificate of registration as Overseas Citizen of India on 19.03.2015 through online from Malaysia and the same is pending. The urgency expressed by the deponent is that he had applied for Haj 2015 and intend to take the petitioner namely Mazeline and also paid necessary fees and unless and until she is conferred with the certificate of registration as Overseas Citizen of India previlage, it may not be possible for him to perform Haj with the second wife and therefore, came forward to file this writ petition.

4.Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner would submit that in the light of the fact that the deponent of the affidavit is performing Haj along with his wife/ petitioner, urgent orders are required on the application submitted on 19.03.2015 for getting certificate of registration as Overseas Citizen of India and prays for appropriate orders.

5.This Court heard the submissions of Mr.A.Kumaraguru, learned Senior Central Government Standing Counsel who accepts notice on behalf of the respondents 1 to 3. He would submit that direction may be issued to the first respondent to pass appropriate orders in accordance with law.

6.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's application dated 19.03.2015 on merits and in accordance with law and pass orders on or before 31.07.2015 and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

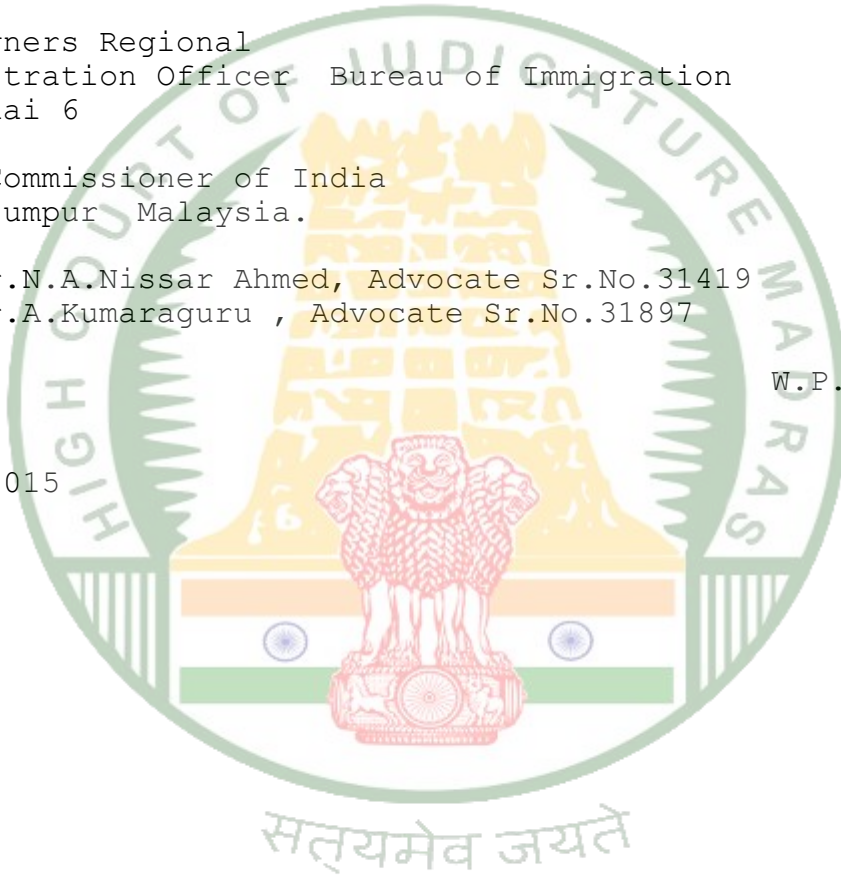
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To

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 - 3 Foreigners Regional
Registration Officer Bureau of Immigration
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 - 4 High Commissioner of India
Kulalumpur Malaysia.
- 1 cc to Mr.N.A.Nissar Ahmed, Advocate Sr.No.31419
1 cc to Mr.A.Kumaraguru , Advocate Sr.No.31897

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cnr(co)
pmk.29.6.2015



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