

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3624 of 2016

K.Yogeshwaran

... Petitioner

vs

1. The Union of India
rep.by its Under Secretary
Ministry of External Affairs
North Block
New Delhi 110 001.

2. The Government of Tamil Nadu
rep.by its Secretary
Home Department
Fort St.George
Chennai 600 009.

3. The District Collector
Vellore District
Vellore.

4. The Commissioner
Rehabilitation Department
Ezhilagam, Chennai.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent to forward the petitioner's application dated 09.02.2015 to the second respondent and to further direct the first respondent to decide the same and grant Certificate of Registration of citizenship of India to the petitioner within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Thirumoorthy
For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the third respondent to forward the

petitioner's application dated 09.02.2015 to the second respondent and to further direct the first respondent to decide the same and grant Certificate of Registration of citizenship of India to the petitioner within a stipulated time.

2. The case of the petitioner is that he belongs to an Indian Origin family and a Sri Lankan citizen by birth. According to the petitioner, the petitioner's father and grandfather was an Indian Citizen. Since the petitioner's father went for an employment in Sri Lanka, he married his mother there, who is a Sri Lankan Tamil. According to the petitioner, he was born on 21.06.1959 in Triconamalu at Sri Lanka and acquired the Sri Lankan citizen. It is the further case of the petitioner that on 22.08.1990, he along with his wife came to Rameshwaram, Tamil Nadu as a Sri Lankan refugee and stayed in the Refugee camp at Walajah, Vellore District. He was also issued with a ration card and the Sri Lankan Refugee Identity Card. According to the petitioner, his son Y.Chutharshan and his daughter Ashwini are born in India on 05.04.1992 and 01.10.1996 respectively and that they are pursuing their studies in Tamil Nadu, India. According to the petitioner, if he is not granted the Registration Certificate of Citizenship in India, his children's education and future will be greatly affected. Therefore, he made representation to the respondents and since the same has not been considered, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that if a person, not being an illegal migrant, who is not already such citizen by virtue of the Constitution or any other provision of the Citizenship Act, if he is an Indian origin, who is ordinarily resident in India for seven years before making an application for registration, then he is entitled for grant of Registration Certificate, as per Section 5(1) of Citizenship Act, 1955. So far as the present case is concerned, the petitioner is residing in India for the past more than twenty five years; therefore, he is entitled for grant of Registration Certificate. He would further state that the petitioner is also willing to renounce his Sri Lankan Citizenship if he is issued with the Certificate of Registration of Citizenship of India.

4. Heard the learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing on behalf of the respondents 2 to 4..

5. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner and also taking into account the fact that the petitioner has made representation to the third respondent dated 09.02.2015, which is pending with him as on date, the third

respondent is directed to forward the same to the second respondent and on receipt of the same, the second respondent is directed to forward the same to the first respondent for taking appropriate action in the matter for issuance of the Certificate of Registration of Citizenship in India to the petitioner. The second respondent shall complete such exercise within a period of four weeks from the date of receipt of a copy of this order. The first respondent on receipt of such communication from the second respondent shall pass appropriate orders on the same as expeditiously as possible.

6. With the above direction, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mr.R.Thirumoorthy, Advocate SR 6316

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