

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 20973 of 2019
and
W.M.P. No. 20157 of 2019

Mr. Madhievannan Paramalingam

... Petitioner

Vs.

1. Director (Citizenship)
Government of India,
Ministry of Home Affairs,
(Foreigners Division), 1st Floor,
Major Dhyani Chand National Stadium,
India Gate Circle,
New Delhi - 110 002.

2. The Immigration Officer,
Chennai Anna International Airport,
Airport, Chennai - 600 027.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice dated 28.11.2018 issued by the First Respondent in F.No.26011/MSIC/84/2018-OCI and quash the same.

For Petitioner : Mr. Hari Radhakrishnan

For Respondents : Mr. N.Ramesh
Central Government Standing Counsel

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O R D E R

Heard Mr. Hari Radhakrishnan, Learned Counsel for the Petitioner and Mr. N. Ramesh, Learned Central Government Standing Counsel, who takes notice for the Respondents.

2. The Order in F. No. 26011/MSIC/84/2018-OCI dated 28.11.2018, issued by the First Respondent which has been challenged by the Petitioner in this Writ Petition is a Show Cause Notice for cancellation of OCI Card of the Petitioner under Section 7D (e) of the Citizenship Act, 1955. It is borne out from the record that the Petitioner has submitted his explanations for the same on 20.12.2018 and 07.01.2019, followed by letters from his Counsel dated 18.01.2019 and 22.03.2019.

3. The consistent legal position has been reiterated by the Hon'ble Supreme Court of India in *Special Director -vs- Mohammed Ghulum Ghouse* [(2004) 3 SCC 440], *Secretary, Ministry of Defence -vs- Prabhash Chandra Miradha* [(AIR 2012 SC 2250)] and *Life Insurance Corporation of India -vs- A. Masilamani* [(2013) 6 SCC 530], that a show cause notice cannot be challenged before completion of enquiry and the proceedings cannot be interfered with in the interregnum till it reaches its logical conclusion. That apart, there is nothing shown by the Petitioner warranting interference in the matter at this pre-mature stage.

4. In the aforesaid circumstances, the First Respondent shall duly consider the explanation of the Petitioner, afford full opportunity of hearing and deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner. An endeavour shall be made to complete the aforesaid exercise expeditiously, and preferably within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

maya/gsa/vjt

To

1. The Director (Citizenship)
Government of India,
Ministry of Home Affairs,
(Foreigners Division), 1st Floor,
Major Dhyani Chand National Stadium,
India Gate Circle,
New Delhi - 110 002.

2. The Immigration Officer,
Chennai Anna International Airport,
Airport, Chennai - 600 027.

+1cc to Mr.N.Ramesh , Advocate SR.No. 62320

+1cc to Mr.Hari Radhakrishnan , Advocate SR.No. 20973

W.P.No.20973 of 2019

rk (CO)
A.SK(16/09/2019)



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