

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4521 of 2018

K.Yogeshwaran
S/o.Kuttiyandi, Admission No.57
Srilanka Refugees Camp
Palar Dam, Walajahpet
Vellore District.

...Petitioner

.Vs.

1.The Union of India
Rep. by its Secretary
Department of Ministry of Home Affairs
North Block, Central Secretariat
New Delhi - 110 001.

2.The Government of Tamil Nadu
Rep. by its Secretary
Home Department
Secretariat, Fort St.George
Chennai-600 009.

3.The District Collector
Vellore District, Vellore.

4.The Commissioner
Rehabilitation Department
Ezhilagam, Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 3rd respondent vide proceedings No.Na.Ka.C4/4905/2016 dated 24.03.2016 and to quash the same and consequently, direct the respondents to grant Indian Citizenship to the petitioner.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.K.Srinivasa Murthy
standing counsel for R1
Mr.M.D.Ilayaraja
Government Advocate for R2 to R4.

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed challenging the order of the third respondent dated 24.03.2016 and consequently, to direct the respondents to grant Indian Citizenship to the petitioner.

3. Through the impugned order, the third respondent informed the petitioner to apply separately for grant of Indian Citizenship as the previous application filed by him on 09.12.2015 was for seeking permission to stay in the land and not for Citizenship.

4. Heard both sides and perused the materials placed before this Court.

5. It is claimed by the petitioner that he along with his wife came to Rameshwaram, Tamilnadu, on 22.08.1990 as Srilankan Refugees and stayed in the Refugees Camp at Walajah, Vellore District. It is further claimed by the petitioner that for the past 30 years, he is residing in India by obtaining ration card and Srilankan Refugee Identify card. He made an application on 09.02.2015, wherein he sought permission to stay in India for him and his family alone. When such application was not considered, he came before this Court and filed a writ petition in W.P.No.3624 of 2016. The said writ petition was disposed of on 01.02.2016 by directing the District Collector therein to consider the said application and pass orders and forward the application to the first respondent for taking appropriate action for issuing Certificate of Registration of Citizenship in India. Thereafter, the present impugned order was passed by stating that the original application filed on 09.02.2015 was not for seeking Indian Citizenship, but for seeking permission to stay in the land. The third respondent has also informed the petitioner that he should file a separate application with necessary documents seeking for Indian Citizenship for taking further action on such application.

6. Perusal of the materials placed before this Court and the earlier application filed by the petitioner dated 09.02.2015, would undoubtedly indicate that the same was not for seeking Indian Citizenship and on the other hand, seeking permission to stay in this land. As rightly pointed out by the third respondent in the impugned order, if the petitioner seeks for Indian Citizenship, it is for him to make appropriate application along with necessary documents before appropriate authority and therefore, he cannot find fault with the impugned communication issued by the third respondent, without making

such application. It is stated that the petitioner has made the application on 30.03.2016 seeking for Indian Citizenship before the third respondent.

7. Perusal of the said application filed in the typed set of papers would show that the petitioner has not enclosed any required documents in support of his claim. Therefore, this Writ Petition is disposed of, by giving liberty to the petitioner to file fresh application seeking for Indian Citizenship with necessary documents in the prescribed format before the appropriate authority within a period of four weeks from the date of receipt of a copy of this order. If any such application is filed, the said authority shall consider and take appropriate action in accordance with law thereafter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
The Union of India,
Department of Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.
- 2.The Secretary
The Government of Tamil Nadu
Home Department, Secretariat,
Fort St.George, Chennai-600 009.
- 3.The District Collector
Vellore District, Vellore.
- 4.The Commissioner
Rehabilitation Department
Ezhilagam, Chennai.

+1cc to the Government Pleader, Sr.No.33316

W.P.No.4521 of 2018

rp (co)
rr ii (21/10/2020)