



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14457 of 2020

Jayaseeli

.. Petitioner

Vs.

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Tahsildar,
Sattur,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to conclude the proceedings in ந.க.ஈ4/24412/2019 dated 13.11.2019 within a time stipulated by this Court.

For Petitioner	:	Mr.K.P.Sankarakumarakuruparan
For Respondents	:	Mr.C.Ramar, Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to conclude the proceedings in ந.க.ஈ4/24412/2019 dated 13.11.2019 within a time stipulated by this Court.

2.Heard Mr.K.P.Sankarakumarakuruparan, learned counsel for the petitioner. Mr.C.Ramar, learned Additional Government Pleader accepts notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that she is residing at 2/497K, Mettamalai, Sattur Taluk, Virudhunagar District and that she is a



Srilankan Citizen. According to her, on 11.08.2009, she came to India as a Refugee and she is holding a Refugee Identity Card and Srilankan Passport. According to her, she is also having a Ration Card issued by the Rehabilitation Department, Government of Tamilnadu.

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5.It is the case of the petitioner that she got married with an Indian Citizen namely Mr.Antony Raj, on 05.05.2011. Thereafter, on 19.06.2019, she sent an online application seeking Indian Citizenship under Section 5(1) (c) of the Citizenship Act, 1955. According to her, in that application, Oath of Allegiance of the first respondent is necessary one. Therefore, she sent a representation to the first respondent on 15.10.2019, seeking for Oath of Allegiance from the first respondent.

6.It is the case of the petitioner that thereafter, the first respondent sent a communication to the second respondent dated 13.11.2019, requesting the second respondent to conduct a proper enquiry and submit a report. According to the petitioner, the second respondent issued an enquiry notice to the petitioner, on 13.02.2020 and she also appeared before the second respondent, in the enquiry proceedings on 19.02.2020 and submitted all the required documents. According to the petitioner, on 05.09.2020 after holding the enquiry, the second respondent has sent the Enquiry Report to the first respondent. But, it is the case of the petitioner that till date no final orders have been passed by the first respondent in the application filed by the petitioner seeking for oath of Allegiance, which is a necessary document for the purpose of applying for citizenship. In such circumstances, this writ petition has been filed.

7.The relief sought for by the petitioner is an innocuous relief. No prejudice will be caused to the respondents, if the said relief is granted. The petitioner has admittedly submitted her request to the first respondent, on 15.09.2019, seeking for oath of Allegiance document, that is required to be issued by the first respondent. Admittedly, as seen from the affidavit filed in support of this writ petitioner, enquiry proceedings has also commenced, but, till date no final orders have been passed. In such circumstances, the relief sought for by the petitioner in this writ petition will have to be necessarily granted by this Court.

8.For the forgoing reasons, this Court directs the first respondent to pass final orders in the application dated 15.10.2019, submitted by the petitioner seeking for oath of Allegiance document from the first respondent and conclude the proceedings in MD/24412/2019, dated 13.11.2019, by passing final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



9. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Virudhunagar,
Virudhunagar District.
2. The Tahsildar,
Sattur,
Virudhunagar District.

+1CC to Mr.K.P.SANKARAKUMARAKURUPARAN, Advocate SR-20405.
+1CC to the SPL GP SR-20487.

**W.P (MD) .No.14457 of 2020
15.10.2020**

BK (CO)
CS (22.10.2020) 3P 5C