



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.15018 of 2018

and

W.M.P. (MD)No.13556 of 2018

and

CRL.O.P. (MD)No.17375 of 2018

W.P. (MD)No.15018 of 2018:-

Veeran Manonmani

: Petitioner

vs.

- 1.The Union of India represented by
the Joint Secretary (Foreigners Division),
Ministry of Home Affairs,
Government of India,
N.D.C.C.-II Building, Jai Singh Road,
New Delhi.
 - 2.The State of Tamil Nadu represented by
Additional Chief Secretary to the Government,
Home Department, Secretariat,
Chennai.
 - 3.The Principal Secretary to the Government,
Public Department (Citizenship),
Secretariat, Chennai.
 - 4.The District Magistrate - cum - District Collector,
Sivagangai District.
 - 5.The Foreigners Registration Officer- cum-
District Superintendent of Police,
Sivagangai.
- : Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the Citizenship Application of the petitioner in MHA File Number:2018020308, dated 07.06.2018 under Section 5(1)(c) of Citizenship Act 1955 within time stipulated by this Court.

For Petitioner :Mr.RM.Arun Swaminathan

For R1 :Mr.K.R.Laxman

For R2 to R5 :Mr.A.Muthukaruppan

Additional Government Pleader



CRL.O.P (MD)No.17375 of 2018:-

Veeran Manonmani

: Petitioner

vs.

1.The District Magistrate - cum - District Collector,
Sivagangai District.

2.The Foreigners Registration Officer- cum-
District Superintendent of Police,
Sivagangai.

: Respondents

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to deport or take any adverse action against the petitioner till disposal of the citizenship application of the petitioner in MHA File Number:2018020308, dated 07.06.2018.

For Petitioner :Mr.RM.Arun Swaminathan

For Respondents :Mr.A.Muthukaruppan

Additional Government Pleader

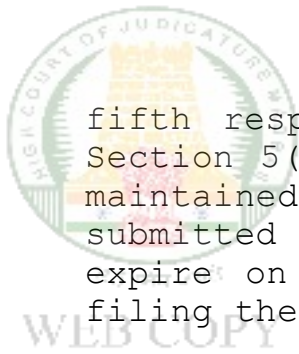
COMMON ORDER

The petition in W.P.(MD)No.15018 of 2018 has been filed to direct the respondents to consider the Citizenship Application of the petitioner in MHA File Number:2018020308, dated 07.06.2018 under Section 5(1)(c) of Citizenship Act 1955 within time stipulated by this Court.

2.The petition in Crl.P.(MD)No.17375 of 2018 has been filed to direct the second respondent not to deport or take any adverse action against the petitioner till disposal of the citizenship application of the petitioner in MHA File Number:2018020308, dated 07.06.2018.

3.The petitioner is a citizen of Sri Lanka and she got married to one Kurumbiah Karuppiah, who according to the petitioner, is a citizen of India from 2003. Stating that the petitioner's marriage with the said Kurumbiah Karuppiah was solemnized and registered by the Registrar of Marriage, Thirupathur on 08.09.2003 and that she is living with her husband in the matrimonial home for all these years, she applied for citizenship through online

4.The petitioner got registered herself with the fifth respondent and that her visa was extended periodically by the



fifth respondent. The petitioner applied for citizenship under Section 5(1)(c) of the Citizenship Act 1955 through online portal maintained by the first respondent. Since the application submitted by the petitioner was kept pending and stay visa was to expire on 11.10.2018, the petitioner approached this Court by filing the above Writ Petition.

5.The petitioner's grievance is that the respondents, without disposing the application submitted by the petitioner for citizenship, are trying to deport the petitioner by taking coercive steps.

6.The learned Counsel for the first respondent submitted that the contention of the petitioner are not admitted and that the first respondent can consider the application subject to several regulations and in accordance with law. It is also improper to expect the first respondent to express his view on merits, when the application is pending before the first respondent for consideration.

7.The learned Counsel for the first respondent further stated that the fourth respondent has not forwarded the application of the petitioner and that the application of the petitioner cannot be considered, unless, the same is forwarded by the fourth respondent with recommendations.

8.Having regard to the nature of prayer and the grievance of the petitioner expressed before this Court, this Court is inclined to issue the following directions:

9.The fourth respondent is directed to forward the application to the first respondent along with the recommendations within a period of two months from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to dispose of the online application of the petitioner, dated 07.06.2018 on merits and in accordance with law within a period of four months from the date of receipt of application along with the recommendations received from the fourth respondent. Till such time the first respondent take a decision on the application of the petitioner for citizenship, the respondents are restrained from deporting or taking coercive steps against the petitioner under the Foreigners Act. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.Insofar as Crl.O.P.(MD)No.15018 of 2018 is concerned, the learned Additional Government Pleader submitted that there will not be any harassment of petitioner, as this Court directed to dispose of the application submitted by the petitioner and till



such time not to deport the petitioner. Recording the said statement, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

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To

- 1.The Additional Chief Secretary to the Government,
The State of Tamil Nadu,
Home Department, Secretariat,
Chennai.
- 2.The Principal Secretary to the Government,
Public Department (Citizenship),
Secretariat, Chennai.
- 3.The District Magistrate - cum - District Collector,
Sivagangai District.
- 4.The Foreigners Registration Officer- cum-
District Superintendent of Police,
Sivagangai.
- 5.The Joint Secretary (Foreigners Division),
Ministry of Home Affairs,
Government of India,
N.D.C.C.-II Building, Jai Singh Road,
New Delhi.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.K.R.LAXMAN, Advocate (SR-5596[F] dated 11/02/2020)

+1 CC to SPL.GP (SR-6104[F] dated 13/02/2020)

W.P. (MD)No.15018 of 2018

and

CRL.O.P. (MD)No.17375 of 2018

11.02.2020

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