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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2021

Coram

The Honourable Mr. Justice R.MAHADEVAN

W.P.No.10250 of 2019

Miss.Maahirah Samiullah
rep. by her natural guardian
and father A.Samiullah Azeez

...Petitioner

Versus

1.Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
1st Floor, Major Dayanchand,
National Stadium, India Gate, New Delhi - 110 002.

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

3.The District Collector,
Chennai District,
Chennai - 600 001.

4.The Post Master,
Secretariat Post Office,
Fort St.George, Chennai - 600 009.

(R4 was impleaded as per order dated 25.11.2019 made in
W.M.P.No.33438 of 2019 in W.P.No.10250 of 2019)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent herein to forthwith issue Indian Citizenship by registration to the petitioner.

For Petitioner : Mr.K.Raja

For Respondent - 1 : Mr.N.Ramesh,
Senior Panel Counsel

Respondents - 2 to 4: Mr.G.Krishnaraja,
Government Advocate



O R D E R

Heard all the parties and perused the materials placed before this Court.

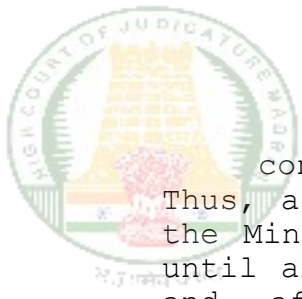
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2.The prayer made in this writ petition is to issue a mandamus directing the first respondent to forthwith issue Indian citizenship to the petitioner, viz., Maahirah Samiullah (minor) represented by her natural guardian and father A.Samiullah Azeez.

3.The case put forth by the petitioner herein is that she was born on 02.08.2003 at Panama and her date of birth was registered with Government of Panama and she was treated as a citizen of Panama. In 2007, her family was shifted to Chennai and thereafter, on behalf of her, an application was made on 11.07.2014 in Form IV requesting for Indian citizenship under section 5(1)(d) of the Citizenship Act, 1955 r/w Rule 6(1)(a) of the Citizenship Rules, 2009. Upon verification, the said application was recommended by the second respondent to the first respondent, vide G.O.Ms.No.262 Home Department, dated 02.03.2016. Subsequently, on receipt of the letter dated 13.05.2016 from the first respondent, the petitioner renounced her citizenship of Panama on 18.05.2018 and produced the same along with the required documents to the first respondent through the second respondent. However, no action was taken on the said application. Therefore, this writ petition.

4.Upon notice, the first respondent filed a detailed counter affidavit, wherein, it is inter alia stated that originally, the applicant failed to submit the original renunciation certificate. Subsequently, vide letter no.37229/CitI/2016-9 dated 02.07.2019, the state Government forwarded a copy of renunciation certificate duly attested by the District Collector, Chennai. However, the first respondent by letter dated 21.10.2019 replied that a foreigner is issued Indian citizenship only after submission of original renunciation certificate. While so, the first respondent received an authenticated copy of the document supposed to be a certificate of renunciation, which is in Spanish language, the translated copy of which reads as follows:

"the resolution to register renunciation to the nationality of Maahirah Samiullah with personal identity card no.8-998-407 and citizenship is suspended when it reaches the age of majority, when it acquires citizenship rights. The renunciation will take effect when Ms.Maahirah Samiullah, reaches the age of majority (i.e. 18 years as per law in Panama) i.e., on 02.08.2021. Therefore, the petitioner



continues to be a citizen of Panama as on date.”
Thus, according to the first respondent, it is not possible for the Ministry to issue citizenship certificate to the petitioner until and unless she reaches the age of majority on 02.08.2021; and after the said period, on submission of original renunciation certificate, issuance of citizenship will be considered.

5. In view of the averments so made in the counter affidavit filed by the first respondent and also having regard to the admitted fact that the petitioner reaches the age of majority very soon, i.e., on 02.08.2021, this Court directs the first respondent to verify the documents furnished by the petitioner, including renunciation certificate, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

6. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrr
To

1. The Secretary,
Ministry of Home Affairs,
1st Floor, Major Dayanand,
National Stadium, India Gate, New Delhi - 110 002.

2. The Secretary, Home Department,
Fort St. George, Chennai - 600 009.

3. The District Collector,
Chennai District,
Chennai - 600 001.

4. The Post Master,
Secretariat Post Office,
Fort St. George, Chennai - 600 009.

+1cc to Mr.K.Raja, Advocate SR.No. 30661
+1 cc to Government Pleader Sr.No. 31431

W.P.No.10250 of 2019

SMI co
A.SK(18.08.2021)