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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WRIT PETITION NO.16061 OF 2021

Ejike Wisdom,
Son of Emordi,
S.F.No.443/2C, Nagappan Compound,
Sabari Priya Nagar,
Muthanampalayam,
Nallur, Tirupur - 6

... Petitioner

Versus

1. Government of India represented by
The Principal Secretary,
The Ministry of Home Affairs,
North Block,
Delhi - 110 001.
2. Government of India represented by
The Principal Secretary,
The Ministry of External Affairs,
North Block,
Delhi - 110 001.
3. Government of India represented by
The Head of Branch Secretary,
Immigration of India,
No.68, E.V.K. Sampath Maligai,
7th Floor, Nungambakkam,
Chennai - 600 034.
4. The District Collector,
Office of the Tirupur District Collector,
Karuppa Gaundanpalayam,
Tirupur.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to issue Citizenship to the Petitioner by considering his application dated 06.09.2019.



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For Petitioner : Mr.B.Raja
For Respondents : Mr.Stalin Abhimanyu
Government Counsel
For R4

ORDER

The petitioner seeks for issuing a Writ of Mandamus directing the respondents 1 and 2 to confer Indian Citizenship to him on the basis of his application dated 06.09.2019.

2. According to the petitioner, he is a Nigerian by birth. He had obtained a Passport bearing No. A02195605 issued by Federal Republic of Nigeria. It is stated by the petitioner that during the year 2011, he came to India for business purpose where he met Christiana Geovar Claiment, a resident of Kerala. The petitioner had a love affair with Christiana Geovar and he married her on 25.08.2012. Out of such wedlock, two female children have born on 06.07.2013 and 01.12.2015 and they are named as Success Chinoyerem Emordi and Gift Chisom Emordi. It is his contention that he married an Indian Women and therefore, he decided to stay with her in India and to assist her in business of manufacturing dyes and other needy materials for dress making at Tirupur. Even though the petitioner submitted an application during the year 2017 for renewing his Visa, it was rejected on 10.09.2017 by the Ministry of External Affairs. Thereafter, the petitioner was also arrested for his overstay in India as per Section 14 of Foreigners Act, 1946 and subsequently enlarged on bail pending trial in C.C. No. 586 of 2018 on the file of the learned Judicial Magistrate No.I, Thirupur. The petitioner further states that he submitted an application for registration as a Citizen of India under Section 5 (1) (c) of The Citizenship Act, 1955 on 06.09.2019, but so far, the application has neither been processed nor rejected by the respondents. The petitioner has therefore come forward with this writ petition for a Mandamus to direct the respondents 1 and 2 to confer him Indian Citizenship on the basis of his application submitted online on 06.09.2019.

3. Heard the learned counsel for the petitioner and the learned Government counsel for the fourth respondent. The petitioner, a Nigerian National had married an Indian Women and out of such wedlock, two female children have born. It is stated that the petitioner is residing in India since 2011. For his overstay, he was also arrested and remanded to judicial custody. Thereafter, he was enlarged on bail pending trial in C.C. No. 586 of 2018 on the file of the learned Judicial Magistrate No.I, Thirupur. According to the petitioner, except the aforesaid



criminal case, no other case is pending against him. It is also stated that he is peacefully and happily residing in India along with his wife and two female child and therefore, he has to be conferred Indian Citizenship by the respondents 1 and 2.

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4. On consideration of the above facts, this Court is of the view that the relief sought for by the petitioner to confer him Indian Citizenship cannot be granted by this Court. It is for the respondents 1 to 3 to consider the same in the light of the application dated 06.09.2019 submitted by the petitioner. In such view of the matter, this Court directs the respondents 1 to 3 to consider the application dated 06.09.2019 of the petitioner, conduct an enquiry and thereafter, pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Government of India,
The Ministry of Home Affairs
North Block,
Delhi - 110 001
2. The Principal Secretary,
Government of India,
The Ministry of External Affairs,
North Block,
Delhi - 110 001
3. The Head of Branch Secretary,
Government of India,
Immigration of India,
No.68, E.V.K. Sampath Maligai,
7th Floor, Nungambakkam
Chennai - 600 034



4. The District Collector,
Office of the Tirupur District Collector,
Karuppa Gaundanpalayam,
Tirupur.

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+1cc to Mr.B.Raja, Advocate, S.R.No.38313
+1cc to the Government Pleader, S.R.No.38022

W.P.NO.16061 OF 2021

RSV(CO)
PBS/26/08/2021