

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.22837 of 2019
and W.M.P.No.22437 of 2019
and W.M.P.No.22247 of 2020

Meenachi Jagatheesan
Rep.thro the General Power of Attorney,
Mr.Dhanasekar Jagatheesan
@ S.K.J.Dhanasekar ... Petitioner

Vs

1. The Union of India,
Represented by the Secretary to
the Ministry of Home Affairs,
North Block, New Delhi - 110 001.
2. The Secretary (East),
Ministry of External Affairs,
South Block, New Delhi.
3. The High Commission of India,
Level 28, Menara -1, Mon't Kiara,
N-1, Jalan Mon't Kiara- 50480,
Kuala Lumpur, Malaysia
- 4.The Foreigner Regional Registration Officer,
Shastri Bhavan Annexe,
No.26, Haddows Road,
Nungambakkam, Chennai 600 006. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 1st and 2nd respondents to furnish a certified copy of the letter in MEA (PV-I) Letter No.VI/402/12/91 dated 09.07.1991 to the petitioner.

For petitioner ... M/s.Ahmad Associates
For respondents 1,2 & 4 ... Mr.A.Kumaraguru, SCGSC

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to furnish the certified copy of the letter in MEA (PV-I) Letter No.VI/402/12/91 dated 09.07.1991 to the petitioner.

2. The petitioner's Overseas Citizen of India (OCI) Card has been cancelled by the respondents. The petitioner is a Singapore National of Indian Origin. According to the petitioner, based on the impugned letter dated 09.07.1991, her OCI Card has been cancelled. It is also the contention of the petitioner that neither the cancellation order nor the impugned letter dated 09.07.1991 has been received by her. The petitioner seeks to challenge the impugned letter dated 09.07.1991 in accordance with law before the appropriate Court. According to her, due to non-availability of the certified copy of the impugned letter dated 09.07.1991, she is unable to challenge the same. In such circumstances, this Writ Petition has been filed.

3. A counter affidavit has been filed by the respondents 1, 2 and 4 stating that the petitioner is a Singapore National and she earlier married a person by name, Thanapalan and thereafter, she has married a person, by name, Vivekananthan. Further, it is their case that earlier, her Person of Indian Origin (PIO) Card was seized and in the application submitted by her before the Malaysian High Commission seeking for an OCI Card, it was found later that she had suppressed certain material facts and her name was wrongly disclosed as Meenachi Jagatheesan concealing that she was earlier known as Meenachi Thanabalan. It is also stated in the counter affidavit that the impugned letter dated 09.07.1991 is a part of the internal confidential records and hence, it cannot be furnished to the petitioner. According to the respondents, only on the aforementioned reasons, the petitioner's OCI Card was cancelled.

4. Heard Ms.Ahmad Associates, learned counsel for the petitioner and Mr.A.Kumaraguru, learned Senior Central Government Standing Counsel appearing for the respondents 1, 2 and 4.

5. The only reason for filing this Writ Petition is that the petitioner has not been served with the impugned letter dated 09.07.1991. In the affidavit filed in support of this Writ Petition, the petitioner has stated that she intends to challenge the impugned letter dated 09.07.1991, which is the basis for the cancellation of her OCI Card before the appropriate Court/authority in accordance with law. Admittedly, as seen from the counter affidavit filed by the respondents, the impugned letter dated 09.07.1991 has not been served on the petitioner. According to the petitioner, she is a law abiding citizen and hence, she must be given an opportunity to challenge the impugned letter dated 09.07.1991 in accordance with law. Though the same is disputed by the respondents, if so advised, any person aggrieved by any order, should be permitted to challenge the same in accordance with law. There is also no

statutory bar preventing the respondents to serve a copy of the impugned letter dated 09.07.1991. Undoubtedly, the internal confidential records of the respondents need not be furnished to the petitioner. However, this Court is of the considered view that the impugned letter dated 09.07.1991 can be served upon the petitioner by the respondents, as it will not prejudice the rights of the respondents or any other party.

6. For the foregoing reasons, the respondents are directed to furnish a certified copy of the impugned letter in MEA (PV-I) Letter No.VI/402/12/91 dated 09.07.1991 to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn
To

1. The Secretary to the Ministry of Home Affairs,
Union of India,
North Block, New Delhi - 110 001.
2. The Secretary (East),
Ministry of External Affairs,
South Block, New Delhi.
3. The High Commission of India,
Level 28, Menara -1, Mon't Kiara,
N-1, Jalan Mon't Kiara- 50480,
Kuala Lumpur, Malaysia
4. The Foreigner Regional Registration Officer,
Shastri Bhavan Annexe,
No.26, Haddows Road,
Nungambakkam, Chennai 600 006.

+1 cc to M/s.Ahmed Associates Advocate r8384

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