

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

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.25492 of 2017
and W.M.P.No.26924 of 2017

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 declaration, declaring that the impoundment by the fourth respondent of the "Overseas Citizen of India (OCI)" Card, issued by the 3rd respondent to Mrs.Meenachi Jagatheessan under Section 7-A of the Citizenship Act, 1955 is ultra vires Rule 35 of the Citizenship Rules, 2009 and consequentially direct the fourth respondent to return the "Overseas Citizen of India (OCI) card of Mrs.Meenachi Jagatheesan.

For petitioner

... M/s.Ahmad Associates

For respondents 1,2 & 4

... Mr.A.Kumaraguru, SCGSC

ORDER

This Writ Petition has been filed for a declaration to declare that the impoundment by the fourth respondent of the Overseas Citizen of India (OCI) Card, issued by the third respondent to the petitioner is ultra vires to Rule 35 of the Citizenship Rules and consequently direct the fourth respondent to return the Overseas Citizen of India (OCI) card to the petitioner.

2. The primary ground for filing this Writ of Declaration by the petitioner is that she has not received the order, whereby, the fourth respondent has impounded her Overseas Citizen of India Card.

3. Today, Mr. Rabu Manohar, learned Senior Central Government Standing Counsel for the respondents 1, 2 and 4 has placed before this Court a letter dated 12.10.2017 of the Bureau of Immigration (MHA) Government of India, wherein, it has been stated that the petitioner is a Singapore National and her name matches with a Look Out Circular (LOC) by name Meenachi Thanapalan. It is also stated in the letter dated 12.10.2017 that the petitioner has married twice and her first husband's name was Thanapalan and he expired on 19.01.1992 and later on, she got re-married to a person by named, Vivekananthan, a Malaysian National on 07.09.1994. It is also stated in the same communication that the petitioner had arrived in India on the strength of Person of Indian Origin (PIO) Card on 10.04.2006 and the said PIO Card was seized by the Chennai immigration and the petitioner was deported. Thereafter, as seen from the communication, the petitioner has approached this Court twice in W.P.No.21658 of 2007 and W.P.No.11916 of 2009. As per the said communication, both the Writ Petitions were dismissed with an observation to consider the representation of the petitioner and provide visa to the petitioner. It is also stated in the same communication that a Writ Petition in W.P.No.27373 of 2014 is pending. It is also revealed that on 16.07.2013, the petitioner obtained OCI card from the High Commission in Kuala Lumpur in the name of Meenachi Jagatheesan, concealing the fact that she was earlier known as Meenachi Thanapalan. It is also stated that the petitioner has concealed while applying for OCI Card the fact that her PIO Card was seized in the year 2006. Therefore, according to the Bureau of Immigration, OCI Card of the petitioner was seized only due to the aforementioned reasons.

4. In this Writ Petition, the petitioner has alleged that she has not received the order from the respondents, whereby, the OCI Card issued to the petitioner was cancelled. According to the petitioner, since the order was not communicated, she was

compelled to file this Writ of Declaration.

5. It is a fundamental right of any person to challenge any order that has been passed by any statutory authority against him/her and in this case, the Bureau of Immigration has passed an order cancelling the OCI card of the petitioner. No prejudice will be caused to the respondents, if the petitioner is permitted to challenge the order, whereby the petitioner's OCI Card was cancelled.

6. This Court, after recording the letter dated 12.10.2017 issued by the Bureau of Immigration, which has been addressed to Mr. Rabu Manohar, learned Senior Central Government Standing Counsel, directs the respondents to send a copy of the order, whereby, the petitioner's OCI Card was cancelled to enable the petitioner to challenge the same in accordance with law, 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 petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

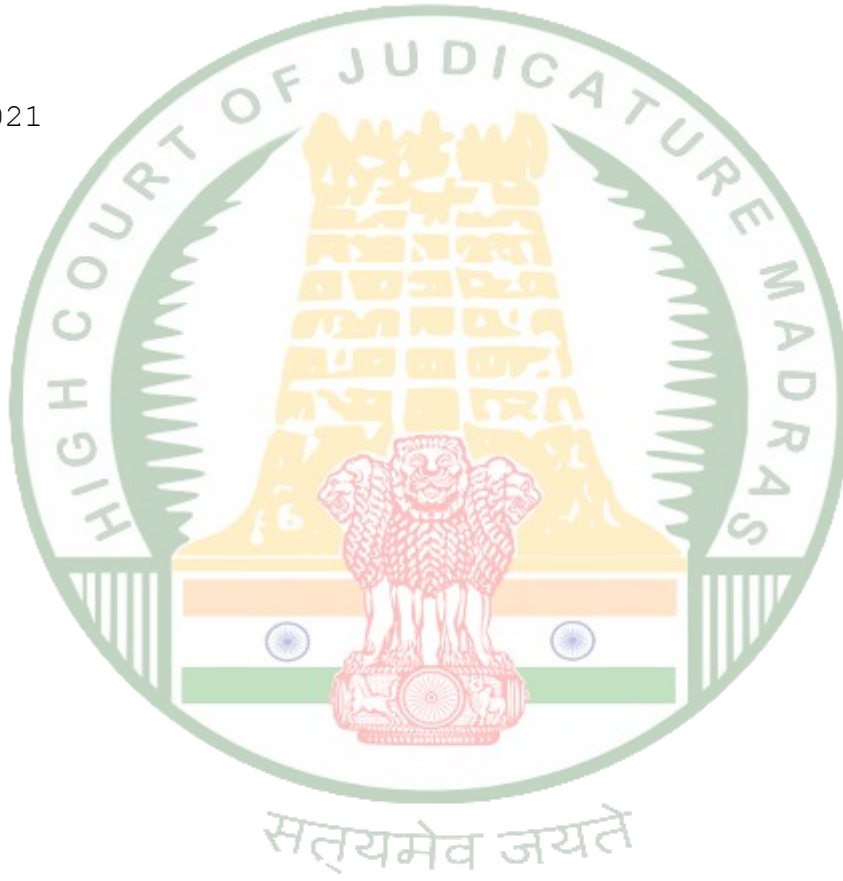
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To

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,
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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 sr8036
+1 cc to M/s.B.Rabu Manohar Advocate sr8108

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