



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.03.2022

CORAM

WEB COPY

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.28879 of 2019
and
W.M.P.No.28623 of 2019

Arkkam Mushthakeem

...Petitioner

Vs

- 1.Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
- 2.The Government of India,
Rep.by its Secretary to Government,
Ministry of External Affairs,
Government of India, South Block,
New Delhi.
- 3.The State of Tamil Nadu,
Rep.by its Secretary to Government,
The Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 4.The Commissioner,
Bureau of Immigration,
East Block-VIII, Level-V, Sector-1,
R.K.Puram, New Delhi -110 066.
- 5.The Collector of Chennai,
Rajaji Salai,
Chennai 600 001.
- 6.The Foreigners Regional Registration Officer
Shastri Bhavan Annexe (GF)
No.26, Haddows Road
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the Impugned order of 6th Respondent vide No. 40/GF/FRRO/Mr/2019-3011 dated 14.05.2019 and quash the same by further directing the 6th respondent to return the petitioner's Indian Passport.



WEB COPY

For Petitioner : Ms.R.Shenbaga Baabu

For Respondents : Mr.J.Madana Gopal Rao,
(R1, R2, R4 & R6) Central Government Standing Counsel.

For Respondents : Mr.TNC.Kaushik,
(R3 & R5) Additional Government Pleader.

O R D E R

Pending writ petition, the petitioner appears to have filed an application for citizenship. The impugned order as challenged in this writ petition is an order deporting the petitioner on the ground that he has fraudulently obtained Indian Passport by suppressing the fact that he is a Srilankan National.

2. There is no interim protection granted to the petitioner. That apart, the petitioner has not challenged order dated 22.02.2022 that has admittedly been served upon the petitioner and denies recommendation of the petitioner's application for Indian Citizenship.

3. The application for citizenship has been filed on 14.06.2019 and the procedure for processing the same involves enquiry, obtaining of reports from the police authorities and a recommendation to be made by the State for the grant of citizenship. Thereafter, the application is to be forwarded to R1 and R2, for due consideration. Learned counsel for the petitioner submit she intends to pursue the rejection of recommendation vide order dated 22.02.2022.

4. The counter filed by R-5 reveals that the State has not recommended the case of the petitioner for grant of issue of citizenship, and reference is made therein to the detailed reasons assigned as to why the authorities were not inclined to record the same. I desist from referring to the same in depth, as any observations made may stand in the way of pursuit of the matter by the petitioner before the competent authorities.

5. At present, the application of the petitioner, as per paragraph 7 of the counter, has been forwarded to the Home Department, Government of Tamil Nadu. A direction is issued to R-3 to ensure that the file is moved forward in accordance with the procedure as stipulated in law, expeditiously.



6. As far as the present writ petition is concerned, wherein the petitioner seeks a Certiorarified mandamus calling for the records in respect of the Impugned order of 6th Respondent vide No. 40/GF/FRRO/Mr/2019-3011 dated 14.05.2019 and quash the same by further directing the 6th respondent to return the petitioner's Indian Passport, there is no merit in the same, seeing as the very reasons that have been assigned by the authorities in the impugned order, are replicated and find place in order dated 22.02.2022, wherein the State has rejected the application of the petitioner for grant of Indian citizenship.

7. With this and as much water has flown under the bridge since the passing of the impugned order dated 14.05.2019, this Writ Petition stands dismissed. No costs. Connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Svn

To

- 1.The Secretary,
Union of India,
Ministry of Home Affairs,
North Block, New Delhi.
- 2.The Secretary to Government,
The Government of India,
Ministry of External Affairs,
Government of India, South Block,
New Delhi.
- 3.The Secretary to Government,
The State of Tamil Nadu,
The Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 4.The Commissioner,
Bureau of Immigration,
East Block-VIII, Level-V, Sector-1,
R.K.Puram, New Delhi -110 066.



5.The Collector of Chennai,
Rajaji Salai,
Chennai 600 001.

6.The Foreigners Regional Registration Officer
Shastri Bhavan Annexe (GF)
No.26, Haddows Road
Chennai - 600 006.

+2 ccs to Mr.R.Shenhaga Babu, Advocate Sr.NO. 19442

+1 cc to Spl.Government Pleader Sr.NO. 20345

W.P.No.28879 of 2019

SKM(CO)

A.SK(04/05/2022)