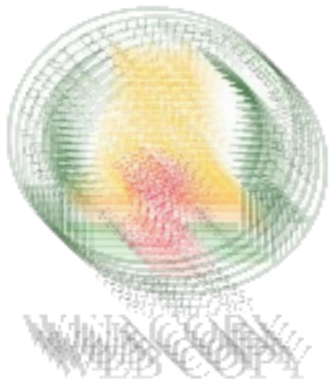




IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.8008 and 8984 of 2023
and WMP.No.9111 of 2023

Ajit Dharmarajan

... petitioner in both the petition

-Vs-

Union of India through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001.

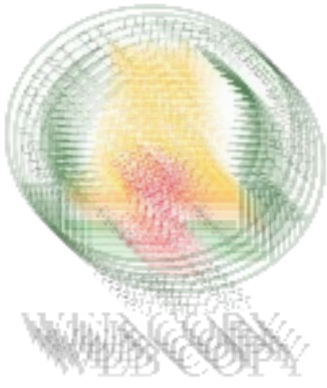
... Respondent in W.P.No.8008 of 2023

Regional Passport Office,
Chennai Royala Towers No.2 and 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-2.
Tamil Nadu.

... Respondent in W.P.No.8984 of 2023

Prayer in W.P.No.8008 of 2023: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the respondent to consider and dispose of the petitioner's representation made on 29.09.2022 within a time frame to be fixed by this Court.

Prayer in W.P.No.8984 of 2023: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records relating to communication dated 20.01.2023 passed by the respondent quash the same and consequently, direct the respondent to issue the petitioner with Indian Passport as per the Indian Passports Act, 1971.



For petitioner : Mr.Om Prakash
For M/s.T.Ravichandran (For both the petitions)
For Respondents : Mr.Prasad Vijayakumar (For both the petitions)

COMMON ORDER

Since both the issue and facts are one and the same and hence, the present petition has been filed by way of this common order.

2. W.P.No.8008 of 2023 has been filed seeking a direction to the respondent to consider and dispose of the petitioner's representation made on 29.09.2022 within a time frame to be fixed by this Court.

3. W.P.No.8984 of 2023 has been filed seeking to quash the communication dated 20.01.2023 passed by the respondent and consequently, direct the respondent to issue the petitioner with Indian Passport as per the Indian Passports Act, 1971.

4. It is the case of the petitioner that the petitioner is an Indian by birth and the petitioner was issued with an Indian Passport on 12.10.1999. The petitioner's father went to Singapore for employment in the year 1995 and had Singapore Citizenship in October 2001. The petitioner was issued with Singapore



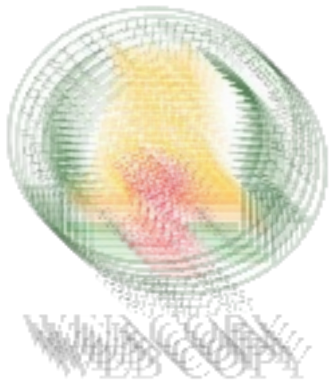
Passport on 09.04.2010 and accordingly, his Indian Passport was cancelled in April 2002 permanently, informed the Singapore Immigration Authorities in 2012 that the petitioner would renounce his Singapore Citizenship and the same was accepted by the authorities. The petitioner's Singapore passport came up for renewal, since the petitioner decided in 2012 to renounce the Singapore Citizenship, the petitioner's Singapore Passport was not considered for renewal and hence, the petitioner does not hold a Singapore Passport as on date. The petitioner surrendered his expired singapore passport and Singapore Citizenship Certificate to the Singaore Indian Commission on 31.08.2021. The petitioner is staying in India from April 2010 and applied for Indian Passport vide application on 12.03.2021 and sought for an appointment for issuance of passport. The passport authorities initially orally informed the petitioner that his request for passport is not approved as they need some clarification on the petitioner's Singapore Passport status and directed the petitioner to furnish Indian citizenship Certificate. In this regard, the petitioner has applied Form VII and the petitioner could not fill the form due to certain requirements which include the expiry of the foreign passport date with a validity of future date. The petitioner communicated to the District Collector, Chennai and the Collector instructed to fill the form offline, the same was done and the Commissioner of Police had filed



his report to the District Collector. In May 2021, the petitioner was informed that the offline form which was filed at the insistence of the District Collector, was not valid and had asked the petitioner to approach the respondent herein for further proceeding of application for citizenship and there is no progress in the application status for citizenship. The respondent vide its communication dated 20.01.2023 directed the petitioner to visit the Passport Office with the documents relating to resumption of Indian Citizenship. Challenging the said order, the petitioner has filed W.P.No.8984 of 2023.

5. It is the further case of the petitioner that the petitioner has made application on 29.09.2022 for issuance of Citizenship Certificate with the Union of India, Ministry of Home Affairs, New Delhi and the said is not consider and therefore, the petitioner has filed W.P.no.8008 of 2023 to consider the said representation.

6. The learned counsel for the petitioner submitted that the respondent has failed to appreciate that the petitioner is the Indian Citizen by birth, the respondent ought to have considered for reissue of passport. The impugned order passed by the respondent is in violation of fundamental rights.



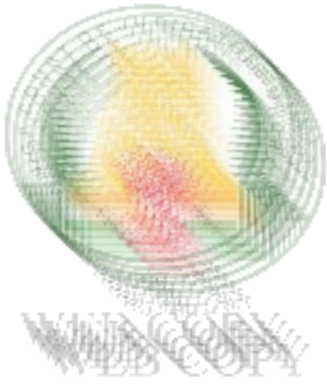
7. The learned counsel for the respondents submitted that if the petitioner produces the necessary certificate of resumption of Indian Citizenship issued by the Ministry of Home Affairs, who is the respondent in W.P.No.8008 of 2023, as mandated by the rules of the Government of India, the respondent in WP.No.8984 of 2023 may take further necessary action on the application of the petitioner for re-issue of his passport as per the Passports Act, 1967.

8. In such view of the matter, this Court directs the respondent in W.P.No.8008 of 2023 to consider the petitioners representation dated 29.09.2022 for issuance of Citizenship certificate and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

05.06.2023

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M.DHANDAPANI, J.

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To

1. Union of India through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001.

2. Regional Passport Office,
Chennai Royala Towers No.2 and 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-2.
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W.P.Nos.8008 and 8984 of 2023

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