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W.P.No.18624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.18624 of 2023

Mukesh Kumar Ravin

... Petitioner

Vs.

1.The Government of India,
Represented by its
Joint Secretary (Foreigners Division),
Ministry of Home Affairs,
New Delhi – 110 001.

2.The Under Secretary,
To the Government of India,
Ministry of Home Affairs,
New Delhi – 110 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to dispose of the Review Petition filed by the petitioner on 31.01.2023 under Section 15A of the Citizenship Act, 1955 read with Rule 42 of the Citizenship Rules 1990, bearing Application MHA.F.No.26013/173/2015-IC-II, as expeditiously as possible on merits and in accordance with the law.

For Petitioner : Mr.R.Viduthalai
Senior Counsel
for M/s.R.Revathy



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For Respondents : Mr.Prasad Vijayakumar
Senior Panel Counsel -
Central Government

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents herein to dispose of the Review Petition filed by the petitioner on 31.01.2023 under Section 15A of the Citizenship Act, 1955 read with Rule 42 of the Citizenship Rules 1990, bearing Application MHA.F.No.26013/173/2015-IC-II, as expeditiously as possible on merits and in accordance with the law.

2. Mr.Prasad Vijayakumar, learned Senior Panel Counsel – Central Government takes notice for the respondents. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, on 15.05.2002, he made an application for grant of Indian Citizenship under Section 5(1)(a) of the Citizenship Act, 1955, however, the second respondent vide letter dated



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25.04.2006 rejected the petitioner's application. Aggrieved by the same, the petitioner filed a writ petition in W.P.No.27856 of 2006. This Court, by its order dated 17.12.2008 allowed the said writ petition and quashed the impugned order therein and directed the second respondent to consider the case of the petitioner as fresh. Against which, the respondents preferred a writ appeal in W.A.No.2401 of 2010 and the Division Bench of this Court disposed of the said writ appeal by directing the respondents to consider the petitioner's application strictly in accordance with provisions of the Citizenship Act, 1955 (in short 'the Act'), including Section 4(1) and 5(1)(a) of the Act. Thereafter, the respondents, in deference to the order passed in the above writ appeal, passed an order dated 14.03.2012 as if the petitioner is an illegal immigrant and he is not eligible for Indian Citizenship. As against which, the petitioner preferred a revision petition in Application MHA.F.No.26013/173/2015-IC-II dated 02.04.2012 under Section 15 of the Act, which was not considered by the respondents. Again, the petitioner filed another writ petition before this Court in W.P.No.14732 of 2012 and this Court, by its order dated 15.06.2021 directed the respondents to consider the revision petition and pass appropriate orders. Pursuant to which, an order was passed on 27.12.2022 by erroneously considering the



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petitioner's revision petition as review petition. Aggrieved by the same, the petitioner filed a review petition on 31.01.2023 and the same was not disposed of by the respondents. Hence, the petitioner filed the above writ petition before this Court for appropriate directions.

4. Though very many grounds have been raised in this writ petition, the learned Senior Counsel appearing for the petitioner has submitted that, it would suffice, if this Court, issues a direction to the first respondent to consider the petitioner's review petition dated 31.01.2023 filed under Section 15A of the Act, within a reasonable time as fixed by this Court.

5. The learned Senior Panel Counsel – Central Government appearing for the respondents has submitted that petitioner's review petition dated 31.01.2023 filed under Section 15A of the Act will be considered and appropriate orders will be passed, within a time frame that may be stipulated by this Court.

6. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the first respondent to consider the



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Review Petition filed by the petitioner on 31.01.2023 under Section 15A of the Citizenship Act, 1955 read with Rule 42 of the Citizenship Rules 1990, bearing Application MHA.F.No.26013/173/2015-IC-II and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

23.06.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Joint Secretary (Foreigners Division),
Government of India,
Ministry of Home Affairs,
New Delhi – 110 001.
- 2.The Under Secretary,
To the Government of India,
Ministry of Home Affairs,
New Delhi – 110 001.



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M.DHANDAPANI, J.

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