



W.P.(MD)No.14193 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.14193 of 2021
and
W.M.P.(MD).No.11143 of 2021

Meenachisundaram

... Petitioner

Vs

1.The Union of India,
Represented by the Joint Secretary, (Foreigners
Division), Ministry of Home Affairs,
Government of India, N.D.C.C-II Building,
Jai Singh Road, New Delhi.

2.The State of Tamil Nadu,
Represented by the Additional Chief Secretary
to the Government,
Home Department, Secretariat,
Chennai.

3.The Principal Secretary to the Government,
Public Department (Citizenship),
Secretariat, Chennai.

4.The District Collector-Cum District Magistrate,
Ramanathapuram District.

5.The Foreigners Registration
Officer-Cum-Superintendent of Police,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide Indian Citizenship to the petitioner by considering the representation dated 23.07.2021.



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For Petitioner : Mr.C.Senthil Murugan

For R-1 : Mr.S.Jeyasingh,
Senior Panel Counsel,
Government of India

For R-2 to R-5 : Mr.K.S.Selva Ganesan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to provide Indian Citizenship to the petitioner by considering his representation dated 23.07.2021.

2. The learned Senior Panel Counsel appearing for the first respondent submitted that the petitioner does not satisfy the mandatory requirements under the Citizenship Act, 1955 and the Rules made thereunder. The learned Senior Panel Counsel submitted that the petitioner claims to be a Malaysian Citizen holding a Malaysian passport and he wants to acquire Indian Citizenship. In view of the same, the petitioner has to necessarily produce his Malaysian Passport. However, the petitioner is not able to produce any Malaysian Passport on the ground that he has lost the same. Therefore, if the petitioner has lost the Malaysian Passport, he has to apply for a fresh passport and regularize his stay in India and thereafter, apply for citizenship under the relevant Act and Rules. Only if the petitioner follows this procedure, the Ministry of Home Affairs will be able to consider the request made by the petitioner.



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3. In the considered view of this Court, in terms of Sections 5 and 6

r/w Section 2(1)(d) of the Citizenship Act, 1955, the petitioner must first have a valid passport of his country and residential permit / Visa in order to be eligible to acquire the Indian Citizenship by registration under Section 5 of the Act or naturalization under Section 6 of the Act. On the petitioner satisfying this precondition, he can always make an online application seeking for citizenship with all the supporting documents and the same will be considered by the respondents. Unless the petitioner satisfies the preconditions, there is no scope for directing the respondents to deal with the representation made by the petitioner who is seeking for Indian Citizenship. In view of the same, the petitioner has to necessarily satisfy prerequisites and make an online application and in which event, the respondents will consider granting Indian Citizenship to the petitioner. In the absence of the same, there is no scope for this Court to deal with the representation made by the petitioner on 23.07.2021.

4. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

06.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg



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To

WEB COPY

- 1.The Additional Chief Secretary
to the Government,
the State of Tamil Nadu,
Home Department, Secretariat,
Chennai.
- 2.The Principal Secretary to the Government,
Public Department (Citizenship),
Secretariat, Chennai.
- 3.The District Collector-Cum District Magistrate,
Ramanathapuram District.
- 4.The Foreigners Registration
Officer-Cum-Superintendent of Police,
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N.ANAND VENKATESH, J.

tsg

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