



W.P.(MD)No.15775 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15775 of 2021
and
W.M.P(MD)No.12713 of 2021

S.Saravanan

... Petitioner

vs.

1.Union of India,
Rep. by the Secretary,
Department of External Affairs, New Delhi.

2.The Regional Passport Officer,
Government of India, Madurai.

3.Bureau of Immigration,
Government of India, Shastri Bhavan, Chennai.

4.The Government of Tamilnadu
Rep. by its Commissioner,
Rehabilitation and Welfare Department,
Secretariat, Chennai-9.

5.The Commissioner of Police,
Foreigners Branch (IS), Tirunelveli City.

6.The Collector,
Office of Collectorate, Tirunelveli.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 6th respondent to place petitioner's application for Indian citizenship dated 02.08.2021 to be considered by respondents 1 to 4 and file a report by the committee granting opportunity of hearing within a time fixed by this Court.

For Petitioner	:Mr.M.S.Suresh Kumar
For R1 to R3	:Mr.S.Sivakumar
For R4 and R6	:Mr.K.S.Selva Ganesan
	Additional Government Pleader
For R5	:Mr.R.Sivakumar
	Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the sixth respondent to process the application and prepare a report and place the same before the first respondent in order to get the Indian citizenship.

2.The case of the petitioner is that he was born in the year 1977 at Sri Lanka and he was the citizen of Sri Lanka by virtue of his birth. The father of the petitioner is an Indian citizen and he got married to the native of Sri Lanka. The petitioner and his family came down to India during the ethnic violence in the year 1984 and he was staying in Tamil



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Nady till 2011. The petitioner, thereafter, went to Sri Lanka and married a Sri Lankan girl and also obtained a Sri Lankan passport. In the meanwhile, the petitioner had also applied for an Indian passport. The petitioner returned back to India in the year 2019 by using the Sri Lankan passport. The visa that was given to the petitioner expired on 31.08.2019. The petitioner had to take care of his aged father and hence, he requested for the extension of his visa. The petitioner also applied for Indian citizenship and was willing to surrender and give up his Sri Lankan citizenship. The grievance of the petitioner is that his application for Indian citizenship has not been processed and hence, the present Writ Petition has been filed seeking for appropriate directions.

3.The respondents 1 to 3 have filed separate counter affidavits. On going through the counter affidavits, it is seen that the petitioner had initially applied for Indian passport and the passport application was processed and it was issued to the petitioner in the year 1999 for a period of ten years. Thereafter, the passport was re-issued for a period of ten years, which was valid till 17.03.2021. It is further stated that the petitioner had gone back to Sri Lanka and was also holding a Sri Lankan



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passport. Using this passport, he got a visa and he travelled to India.

The tourist visa that was issued in favour of the petitioner was valid upto 30.08.2019. The petitioner had applied for the extension of the period of stay and his application was rejected on 12.05.2020. Thereafter, the petitioner has been staying in India without any valid permission or exit permit till date.

4.The learned Additional Government Pleader appearing on behalf of the sixth respondent produced the written instructions received from the sixth respondent. It is seen that the application submitted by the petitioner is now under enquiry by the Revenue Divisional Officer and on receipt of the report from the Revenue Divisional Officer, the file will be forwarded to the first respondent to consider the grant of Indian passport to the petitioner.

5.The note prepared by the Inspector of Police, Munneerpallam Police Station was also placed before this Court. It is seen that there are no adverse remarks against the petitioner and the petitioner has been over staying in India without a valid permit.



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6. There are two issues involved in the present Writ Petition. The first issue is with regard to the stay of the petitioner in India after the visa had already expired on 30.08.2019. Admittedly, the petitioner does not have any permit to stay in India beyond 30.08.2019 till date and the very stay of the petitioner in India is illegal. The next issue pertains to the application made by the petitioner seeking for Indian citizenship. The petitioner claims that he has already given up his Sri Lankan citizenship and he has also surrendered the Sri Lankan passport. In this regard, the enquiry is pending before the Revenue Divisional Officer and based on his report, the sixth respondent will forward the recommendation before the first respondent, who will deal with the claim made by the petitioner for Indian citizenship.

7. The petitioner is directed to immediately approach the third respondent and seek for exit permit by furnishing the necessary documents and the same shall be considered by the third respondent subject to the petitioner furnishing the necessary documents in that regard. The petitioner shall also cooperate with the third respondent for the grant of exit permit. By undertaking this process, the stay of the



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petitioner in India can be regularised. The petitioner shall submit the necessary application with all documents before the third respondent and the third respondent shall process the same and if the petitioner is otherwise eligible, shall grant the exit permit.

8.Insofar as the Indian citizenship is concerned, the sixth respondent is directed to collect the report from the Revenue Divisional Officer and place the same before the first respondent within a period of six weeks from the date of receipt of a copy of this order. On receipt of the report, it is left open to the first respondent to deal with the claim made by the petitioner seeking for Indian citizenship. Till this process is completed, the exit permit of the petitioner shall be extended from time to time.

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

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
cmr

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To
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- 1.The Commissioner,
Government of Tamilnadu
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- 2.The Commissioner of Police,
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N.ANAND VENKATESH, J.

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