



W.P(MD)No.21539 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21539 of 2023

Thangaraja

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai.

3.The District Collector,
District Collector Office,
Madurai.

4.The Secretary,
Ministry of Home Affairs,
Government of Tamil Nadu,
New Delhi.

... Respondents

(Respondent No.3 is impleaded vide Court Order dated 22.11.2023 in W.M.P.(MD).No.20262 of 2023 and Respondent No.4 is *suo motu* impleaded vide Court Order dated 22.11.2023 in W.P.(MD).No.21539 of 2023)



W.P(MD)No.21539 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue passport for the petitioner by processing the petitioner's Application in file number MD1065360773723 based on the petitioner's representation dated 10.08.2023 within a time limit stipulated by this Court.

For Petitioner	: Mr.I.Romeo Roy Alfred
For R-1	: Mr..G.Thalaimutharasu
For R-2	: Mr.A.Albert James, Government Advocate
For R-3	: Mr.K.Balasubramani, Special Government Pleader
For R-4	: Mr.K.Govindarajan, Deputy Solicitor General of India

ORDER

Heard both sides.

2. The petitioner was born on 21.09.1964 at Koolipatti, Namakkal District. The copy of the Birth Certificate has also been enclosed in the typed set of papers. It is seen that the petitioner's birth was registered on 22.09.1964 itself. The genuineness of the said Birth Certificate is not questioned by the respondents.



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3. The issue raised in this Writ Petition is no longer *res integra*. Vide order dated 12.08.2022 in W.P.(MD).No.3512 of 2022 I had held as follows:

“5. I carefully considered the rival contentions and went through the materials on record. Part II of the Constitution deals with citizenship. Article 11 empowers the parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship. The parliament enacted The Citizenship Act, 1955. Section 3 (1) (a) of the Act states that every person born in India on or after 25.01.1950 and before first day of July 1987 shall be a citizen of India by birth. Schedule I is appended to the said Act. Rules have also been subsequently framed. The various forms providing for application for registration as citizen do not cover citizenship by birth. In other words, a person claiming to be a citizen by birth does not have to apply to the authority for recognition or declaration. As per Section 13 of the Act, in cases of doubt, the Central Government may certify that the person concerned in an Indian Citizen.



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*6. In the case on hand, there is no scope for any doubt. The petitioner has enclosed the birth certificate issued by the competent authority. Its genuineness is not doubted. The learned counsel appearing for the petitioner drew my attention to the decision of the Hon'ble High Court of Delhi made in **W.P(C)12179 of 2009 (Namgyal Dolkar Vs Government of India) dated 22.12.2010**. In the said case, the petitioner was born in India on 13.04.1986. The Hon'ble High Court of Delhi held that she is an Indian Citizen by birth in terms of Section 3(1)(a) of Citizenship Act, 1955 and that she cannot be denied passport. The case on hand is absolutely similar. Since the petitioner is an Indian citizen by birth, she need not apply for citizenship. It is not the case of the respondent that the petitioner had renounced her Indian citizenship."*

4. In this case also, I propose to adopt the very same approach. Since the petitioner was born in India before the cut-off-date, he is recognized as an Indian citizen. I therefore direct the first respondent to issue passport to the petitioner as prayed for.



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5. The Writ Petition is allowed accordingly. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
TSG

To

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2.The Inspector of Police,
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G.R.SWAMINATHAN, J.

TSG

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