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W.P.No.7847 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7847 of 2021
and W.M.P.Nos.8373 & 8375 of 2021

Madhievannan Paramalingam

... Petitioner

-Vs -

Under Secretary to Government of India (OCI)
1st Floor, Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi – 110 002.

... Respondent

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records pertaining to the impugned order dated 11.09.2020 of the respondent passed in F.No.26011/MISC/84/201/-OCI and quash the same.

For Petitioner : Mr.L.Gokulraj
For Mr.Hari Radhakrishnan

For Respondent : Mr.V.Ashok Kumar
Central Government Standing Counsel



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ORDER

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This writ petition has been filed for challenging the order passed by the respondent dated 11.09.2020, thereby cancelled the registration of the petitioner as Overseas Citizen of India (hereinafter referred to “OCI”) card holder.

2. The petitioner is a Srilankan national and he was granted citizenship of United Kingdom. His parents were Indian citizen and based on which, he obtained OCI card in card No.A689326 under the provisions of the Citizenship Act, 1955. He used to travel India frequently. While being so, on 21.05.2018, he came to India as a tourist with OCI card and he possessed two gold bars in his pant pocket. Therefore, he was detained by the Air Intelligence Unit of the Customs Department at Chennai Airport for smuggling of gold worth Rs.92 lakhs into India. The Customs authorities seized the gold under Section 110 of the Customs Act, 1996 r/w the Foreign Trade (Development and Regulation) Act, 1992 and initiated the proceedings under Sections 193 and 194 of IPC. It was also reported that the petitioner was intercepted at Chennai Airport on 30.05.2018 during departure immigration clearance and he was accorded departure clearance by the immigration authorities



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after seizing his OCI card for indulgence in smuggling activities.

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3. Thereafter, the petitioner was served with notice dated 28.11.2018, thereby informed that Central Government was of the provisional opinion that OCI card issued to the petitioner was cancelled under Section 7D(e) of the Citizenship Act, 1955 and notified the petitioner to submit his reply of documents, if any. The petitioner submitted detailed reply dated 18.01.2019.

4. In the meanwhile, the petitioner also filed writ petition before this Court in W.P.No.20973 of 2019 for direction to direct the respondent to return the OCI card and to quash the notice issued by the respondent. This Court by an order dated 22.07.2019, directed the Director (Citizenship), Government of India, to consider the explanation submitted by the petitioner and after affording full opportunity of hearing, pass orders on merits and in accordance with law. Thereafter, the petitioner was given personal hearing and during the enquiry, the petitioner also submitted written submission. After due enquiry, the Ministry of Home Affairs passed order thereby cancelled the OCI Card. Further on instruction, the learned Central Government Standing Counsel



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appearing for the respondent submitted that now the petitioner has been blocked and restrained from entering into India.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. It is seen that during the enquiry, the petitioner had divulged that it was the third time, he smuggled gold into India through Chennai Airport. Previously, he smuggled gold for which he was paid 200 pounds on each occasion. This is a third time by indulging these type of crime. Therefore, it cannot be said that the impugned order has been passed without giving opportunity of hearing to the petitioner. As stated supra, before passing order, the petitioner was given opportunity of hearing and after receipt of due explanation and also written submission, the order has been passed and as such, it is not in violation of principles of natural justice.

7. In view of the above discussions, this Court finds no infirmity or illegality in the order passed by the respondent and the writ petition is devoid of merits and liable to be dismissed. Accordingly, the



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Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

04.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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To

Under Secretary to Government of India (OCI)
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India Gate Circle, New Delhi – 110 002.



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G.K.ILANTHIRAIYAN. J.

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