



WEB COPY

W.P.No.20740 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.20740 of 2021

A.Sain

... Petitioner

Vs.

- 1.The Secretary,
Government of India,
Ministry of Home Affairs,
First Floor NDCC-II Building,
1, Jai Singh Road,
New Delhi – 110 001.
- 2.The Secretary,
Government of India,
Ministry of External Affairs,
901, Akbar Bhawan,
Chanakya Puri,
New Delhi – 110 021.
- 3.The Secretary,
Ministry of External Affairs,
68, College Road,
E.V.K.Sampath Maaligai,
7th Floor, Nungambakkam,
Chennai, Tamil Nadu – 600 006.



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4. The District Collector,
Karuppa Gaundanpalayam,
Tiruppur – 641 604.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 05.08.2021 which was send to the respondent on 05.08.2021.

For Petitioner	: Mr.Mr.B.Babu
For R1 to R3	: Mr.V.Chandrasekaran Senior Panel Counsel
For R4	: Mr.S.J.Mohamed Sathik Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the petitioner dated 05.08.2021.

2. Mr.V.Babu, learned Counsel for the petitioner would submit that the petitioner is a Bangladesh National married a girl at Chennai and residing at Tiruppur. The petitioner has submitted an application to grant citizenship under the Citizenship Act, 1955. Since it was not considered, the present writ petition came to be instituted.



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3. Mr.V.Chandrasekaran, learned Senior Panel Counsel would raise serious objection by stating that the petitioner is not an Indian Citizen. The petitioner being a Bangladesh citizen, he is not entitled to secure Indian Citizenship for establishing his right under the Citizenship Act, 1955 and the rules framed thereunder. It is further submitted that the petitioner is not entitled to make a general representation seeking residence permit and citizenship by deviating from the procedures contemplated under the Act and Rules.

3.1 Serious objections are raised in the counter affidavit filed by the 1st respondent by stating that the petitioner is not entitled to get citizenship, based on the representation submitted. It is for the Authorities to initiate all appropriate actions, in this regard, in the manner known to law. If the petitioner is otherwise eligible under law, he is at liberty to submit his application in the prescribed manner known to law. Since the petitioner is a Bangladesh national, mere representation would be insufficient to secure citizenship under the Citizenship Act, 1955.



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4. Therefore, the relief as such sought for in the present writ petition cannot be granted. With these observations, the Writ Petition stands dismissed. No costs.

08.02.2024

veda

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

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