



WEB COPY



W.P.No.19959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

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

W.P.No.19959 of 2022
and W.M.P.No.19251 of 2022

Vidya Jayakumar

... Petitioner

-Vs -

The Regional Passport Officer,
Regional Passport Office,
Rayala Towers,
No.2 & 3, IV Floor,
Old No.785, 158, Anna Salai,
Triplicane, Chennai – 600002.

... Respondent

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to immediately release the passport of the petitioner and consequently direct the respondent to issue immigration certificate to the petitioner.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondent : Mr.R.Subramanian
Additional Central Government
Standing Counsel



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ORDER

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This writ petition has been filed for direction directing the respondent to release the petitioner's passport which was already impounded by the respondent.

2. The petitioner is a Sri Lanka citizen and she was born on 28.02.1973. Thereafter she came to India as refugee in the year 1987 and also got married an Indian on 08.07.1992. Thereafter, the petitioner obtained passport and periodically renewed the same. However, when the petitioner applied for Police Clearance Certificate with passport during the month of July 2021, the respondent impounded the passport of the petitioner, since she was born in Sri Lanka. Hence, the petitioner approached this Court by way of this present writ petition.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Admittedly, the petitioner was not declared as Indian, even she got married with Indian. Therefore, the petitioner ought to have applied for citizenship under the Citizenship Act, 1955 and thereafter



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applied for fresh passport. Accordingly, the petitioner is directed to apply for citizenship under the Citizenship Act and thereafter apply for fresh passport. On such application, the respondent is directed to consider the application and issue fresh passport on merits and in accordance with law.

5. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

06.06.2024

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

rts

To

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G.K.ILANTHIRAIYAN. J,

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