



W.P.No.27038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27038 of 2024

Sandhya Tharini Jayakumar

... Petitioner

Vs.

1.The Union of India,
Rep.by Immigration Officer,
Ministry of Immigration,
Shastri Bhavan, Chennai.

2.Foreigner Regional Registration Officer (FRRO),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
No.26, Haddows Road,
Chennai-600 006.

3.Amarnath Venkatramanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent not to insist on the signature of the father of the minor in the petitioner's application dated 21.03.2024 bearing File Ref No.INDC00199N24 for the



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registration as an Overseas Citizen of India under Section 7A of the Citizenship Act, 1955 and consequently, direct the second respondent to grant Overseas Citizenship to the petitioner.

For Petitioner : Mr.L.Ram Kumar

For Respondents : Mr.Raba Manohar
for R1 and R2

O R D E R

This Writ Petition has been filed to direct the second respondent not to insist the signature of the father of the minor in the petitioner's application dated 21.03.2024 bearing File Ref No.INDC00199N24 for registration as Overseas Citizen of India under Section 7A of the Citizenship Act, 1955 and grant Overseas Citizenship to the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner is the mother of the minor child, namely, Anya Amarnath and the minor child was born in Ireland where the petitioner and her husband was residing and subsequently, due to matrimonial dispute, they are living



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separately and the petitioner moved to India. The petitioner has made an application dated 21.03.2024 for registration of the minor child as Overseas Citizen of India enclosing the necessary documents and it was returned by the second respondent stating that the signatures of the parents should be attested in all the documents along with the passport of the parents. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court directs the second respondent to consider the application of the petitioner dated 21.03.2024 without insisting the signature of the petitioner's husband, since her husband is residing in Ireland and due to matrimonial dispute, it is impossible for the petitioner to get the signature from her husband.

4. The learned counsel appearing for the respondents 1 and 2 submits that the application of the petitioner will be considered in accordance with law and an appropriate order will be passed.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first and second respondents. Since the third respondent is residing in Ireland, notice to the third respondent is dispensed with.

6. Considering the facts and circumstances of the case and the fact that due to matrimonial dispute, the petitioner moved to India and that she made an application under Section 7A of the Citizenship Act, 1955 for registration of the minor child as Overseas Citizen of India and considering the welfare of the minor child, this Court directs the second respondent to consider the application of the petitioner dated 21.03.2024, without insisting the signature of the petitioner's husband/father of the minor child and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. However, liberty is granted to the third respondent to work out his remedy before the trial Court regarding guardianship of the minor child in the manner known to law.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

- 1.The Union of India,
Rep.by Immigration Officer,
Ministry of Immigration,
Shastri Bhavan, Chennai.
- 2.Foreigner Regional Registration Officer (FRRO),
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M.DHANDAPANI, J.

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