



W.P(MD)No.10394 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.10394 of 2019

and

W.M.P(MD)No.7996 of 2019

M.Jamal Mohamed

... Petitioner

Vs

1.The Union of India,
Represented by Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi – 110 001.

2.The Superintendent of Police,
Trichirappalli District,
Trichirappalli.

3.The Inspector of Police,
Thuvarankurichy Police Station,
Thuvarankurichy,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents not to disturb the peaceful life of the petitioner at No.29, Santhaipettai Street, Ponnampatti, Thuvarankurichi Post, Trichy District, Tamil Nadu in India as Indian Citizen.

For Petitioner : Mr.C.T.Perumal

For R – 1 : Mr.S.Jeyasingh



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ORDER

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This Writ Petition has been filed by the petitioner for a direction not to disturb the peaceful life of the petitioner at Door No. 29, Santhaipettai Street, Ponnampatti, Thuvankurichi Post, Trichy District.

2.The petitioner's father is a permanent resident of Door No.29, Santhaipettai Street, Ponnampatti, Thuvankurichi Post, Trichy District. The petitioner was born on 27.04.1966. His mother was born in Sonapuram, Singampunari, Sivagangai District. After birth, the petitioner's family were issued a ration card. While being so, the petitioner was taken to Pakistan by his paternal uncle during his tender age. In the year 1989, the petitioner was sent back to India by his family members. Thereafter, on 31.01.1990, he got married and gave birth to two female children in India. However, the petitioner apprehends that he would be departed in India since he came from Pakistan in the year 1989.

3.On perusal of the counter-affidavit filed by the first respondent would reveal that the petitioner travelled to Pakistan on his Pakistan passport in the year 1989. Therefore, his Indian



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Citizenship stands terminated upon acquiring Pakistan Nationality as per Section 9(1) of the Citizenship Act, 1955. When the petitioner obtained foreign nationality and passport, his Indian Citizenship stands terminated as per Section 9 of the Citizenship Act, 1955 read with Rule 40 and Schedule III of the Citizenship Rules, 2009.

4. So far the petitioner has not filed any application for a grant of citizenship of India. Therefore, the petitioner is at liberty to make an application seeking Citizenship of India under the Citizenship Act, 1955 and the Citizenship Rules, 2009 through the State Government to the first respondent. Further, so far there is no apprehension at the hands of the respondents to the petitioner's stay in India.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.10394 of 2019

04.12.2024