



WP(MD). No.21933 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 13/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.21933 of 2024

Nasira Farhana

... Petitioner

Vs

The Tahsildar,
Taluk Office, Vandikarar Street,
Ramanathapuram Town,
Ramanathapuram District..

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider and issue residential certificate to the petitioners minor daughter namely Khatijathul Rasulath Binti Afsal Khan, aged 6 years, residing along with the petitioner.

For Petitioner : Mr.A.Saravanan,
For Respondent : Mr.A.Kannan
Additional Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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2. The writ petition has been filed for a mandamus directing the respondent to consider and issue residential certificate to the petitioners minor daughter namely Khatijathul Rasulath Binti Afsal Khan, aged 6 years, residing along with the petitioner.

3. I have considered the rival submissions and perused the materials available on record.

4. It is the case of the petitioner that the petitioner married one Afsal Khan on 18.05.2014. Her husband is a Malaysian citizen. Out of the wedlock, a female child was born on 10.05.2018. In view of the marital discard between the petitioner and her husband, she came to India on 28.06.2021. Subsequently, her husband has obtained an ex-parte decree of divorce in the Malaysian Court on 23.11.2022. The petitioner is now residing in India along with her minor child, viz., Khatijathul Rasulath Binti Afsal Khan, aged 6 years, in her native place with her mother. Since her daughter's passport is going to expire on 24.09.2024 and in order to renew the passport and visa to the minor child, the



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petitioner is seeking residential certificate and hence, sent a representation to the respondent. However, since the same has not been considered so far, the petitioner is before this Court.

5. It is the contention of the respondent that the child is born in Malaysia and therefore, the residential certificate may not be issued. The fact that the minor is residing with the mother at present is not disputed.

6. It is seen that the petitioner has already filed a writ petition in WP(MD) No.15757/2024 for a direction to defer the deportation of her child, wherein, this Court has granted an interim order directing that the child should not be deported during the pendency of the writ petition.

7. It is to be noted that the factum of the minor child residing with the petitioner/mother is not disputed. There is no difficulty in issuing the certificate in this regard by the respondent, however, after enquiry. Therefore, the respondent shall consider the representation of the petitioner and issue a certificate about the minor residing with the mother in India. Such exercise shall be completed within a period of one month



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from the date of receipt of a copy of this order.

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7. The writ petition is disposed of with the above direction. No costs.

13.09.2024

RR

TO

1. The Tahsildar,
Taluk Office,
Vandikarar Street,
Ramanathapuram Town,
Ramanathapuram District..



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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.21933 of 2024**

Date : 13/09/2024