



W.P(MD)No.27517 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27517 of 2023

Mary Shalini

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Secretary,
Ministry of External Affairs,
Government of India,
New Delhi.

... Respondents

*(R2 is suo motu impleaded vide order dated
21.11.2023 in W.P.(MD)No.27517 of 2023 by
GRSJ)*

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 issue passport for the petitioner by processing her application in file number MD1064991603723 based on her representation dated 07.03.2023 within a time limit stipulated by this Court.



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For Petitioner : Mr.I.Romeo Roy Alfred

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India.

ORDER

Heard both sides.

2.The petitioner is born to Srilankan parents. She was born in India at Parthabiramanpattinam, Manamelkudi Taluk, Pudukkottai District on 10.08.1986.

3.The issue raised in this writ petition is no longer res integra. In the decision reported in **2022 (6) CTC 245 (Nalini Vs. Regional Passport Officer)**, I had held as follows:-

“5.I carefully considered the rival contentions and went through the materials on record. Part II of the Constitution deals with citizenship. Article 11 empowers the parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship. The parliament enacted The Citizenship Act, 1955. Section 3 (1) (a) of the Act states that every person born in India on or after 25.01.1950 and before first day of



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July 1987 shall be a citizen of India by birth. Schedule I is appended to the said Act. Rules have also been subsequently framed. The various forms providing for application for registration as citizen do not cover citizenship by birth. In other words, a person claiming to be a citizen by birth does not have to apply to the authority for recognition or declaration. As per Section 13 of the Act, in cases of doubt, the Central Government may certify that the person concerned is an Indian Citizen.

6.In the case on hand, there is no scope for any doubt. The petitioner has enclosed the birth certificate issued by the competent authority. Its genuineness is not doubted. The learned counsel appearing for the petitioner drew my attention to the decision of the Hon?ble High Court of Delhi made in W.P(C)12179 of 2009 (Namgyal Dolkar Vs Government of India) dated 22.12.2010. In the said case, the petitioner was born in India on 13.04.1986. The Hon?ble High Court of Delhi held that she is an Indian Citizen by birth in terms of Section 3(1)(a) of Citizenship Act, 1955 and that she cannot be denied passport. The case on hand is absolutely similar. Since the petitioner is an Indian citizen by birth, she need not apply for citizenship. It is not the case of the respondent that the petitioner had renounced her Indian citizenship.”

4.The petitioner is declared as an Indian citizen. The first respondent is directed to issue passport to the petitioner.



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5.This writ petition is allowed accordingly. No costs.

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