



WP No. 13213 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

W.P No. 13213 of 2025 AND

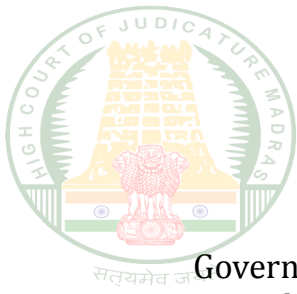
WMP Nos. 14762 and 14764 OF 2025

Ahamed Jabir Datageer
Thaika Najeem No 83, Magdoo Street,
Kayalpatnam 628 204 Tuticorin District

... Petitioner

Vs

1. Union Of India
Rep By Its Secretary To Government
Ministry Of External Affairs,
Government Of India, New Delhi
- 2.The Commissioner
Bureau of Immigration, Haddows
Road, Thousand Lights West,
Thousand Lights, Chennai 600 008
- 3.The Regional Passport Officer
Ministry Of External Affairs
Royala Towers No 2 and 3,
IV Floor Old No 785, New No 158
Anna Salai, Chennai 02
- 4.H.E Consul General
Consulae General Of India, Ong Kong
16-a United Center, 95 Queens Way
Adiralty, Hong Kong
- 5.The Director
Directorate Of Enforcement Department Of
Revenue, Ministry Of Finance,



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Government Of India
IV And V Floor, III, Block B Wing
No.26 Haddows Road, Chennai 600 006

... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondents 1 to 4 in MH ile No 202400032077 with respect to the impugned Rejection order dated 11.02.2025 issued to the petitioner and sent by email and quash the same as arbtirary and consequently direct the 4th respondent to issue passport surrender and Renunciation certificate.

For Petitioner : Ms.R.Maheswari

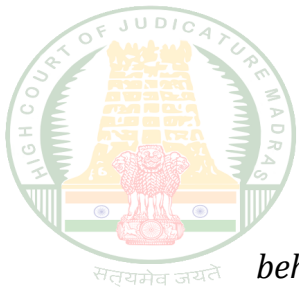
For Respondents : Mr.Venkadaswamy Babu
Senior Panel Counsel- For RR1 To 4
Mr.N.Ramesh
Special Public Prosecutor - For R5

ORDER

This writ petition has been filed challenging the rejection order dated 11.02.2025 and for a consequential direction to the fourth respondent to issue passport to the petitioner.

2. When this writ petition came up for hearing on 19.06.2025, this Court passed the following order:

" Heard the learned counsel for the petitioner, the learned Senior Panel Counsel appearing on behalf of the respondents 1 to 4 and the learned Special Public Prosecutor appearing on



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behalf of the 5th respondent.

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2. The request made by the petitioner for renouncing Indian Citizenship under Section 8 of the Indian Citizenship Act, 1955, has been rejected. The petitioner is currently residing in Hong Kong and the petitioner has been allowed to stay in Hong Kong only till August, 2025.

3. The 5th respondent intends to conduct an inquiry in the pending Foreign Exchange Management Act, 1999, (FEMA) proceedings and has issued a Look Out Circular (LOC). Ultimately, if the petitioner has to come to India and attend the inquiry before the 5th respondent, the petitioner requires a passport. This will enable the petitioner to travel between India and Hong Kong. However, since the petitioner had submitted the application for renunciation of citizenship, his passport has been canceled. Hence, without a passport, the petitioner will be unable to travel to and from India to participate in the inquiry and return to Hong Kong.

4. In view of the above, the learned Senior Panel Counsel needs to obtain instructions from the 3rd respondent as to whether the petitioner's original passport, which was valid till 2026, can be revived and returned to the petitioner, or in the alternative if a temporary passport can be issued to the petitioner.



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5. This would enable the petitioner to return to India and participate in the inquiry. There is some urgency involved in this case, as the permission granted to the petitioner and his family members to stay in Hong Kong expires in August 2025.

6. Post this writ petition on 26.06.2025, under the caption "For Orders".

3. Pursuant to the above order, the matter was listed for hearing today and the learned Senior Panel Counsel, Government of India filed a memo of the third respondent along with the relevant documents. The third respondent in the memo has stated that, since the passport of the petitioner has already been cancelled after the petitioner submitted an application for renouncing of Indian Citizenship, the only other option available to the petitioner is to apply for a temporary passport. Insofar as the temporary passport is concerned, the petitioner has to necessarily travel to India and apply for the same and it will be issued by the third respondent. For the sake of travelling to India, the fourth respondent will issue Emergency Certificate to the petitioner and with this certificate the petitioner can travel to India and apply for temporary passport.

4. Learned counsel for the petitioner submitted that the petitioner apprehends that the Emergency Certificate issued by the fourth respondent should not be put against the petitioner and it must not cause prejudice to the



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interests of the petitioner. Learned counsel further submitted that since the petitioner is innocent and the petitioner also wants to participate in the enquiry conducted by the fifth respondent and clarify the queries raised by the fifth respondent, if the temporary passport can be issued to the petitioner, it can as well be issued in Hong Kong and that will enable the petitioner to travel to India without any hassles.

5. In the considered view of this Court, issuing the temporary passport at the Indian Consulate at Hong Kong or issuing such a temporary passport at India does not make any difference, since the petitioner requires that temporary passport to travel back and forth from India to Hong Kong. The apprehension of the petitioner seems to be that the Emergency Certificate issued by the fourth respondent should not prejudice the rights of the petitioner and create a negative impression about the petitioner. This apprehension raised by the petitioner can be sufficiently redressed by this Court by issuing necessary directions in the present writ petition.

6. In view of the above, this writ petition is disposed of in the following terms :

(a) There shall be a direction to the fourth respondent to issue



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an emergency certificate (Emergency Travel Certificate) to the petitioner to enable the petitioner to travel back to India. This process shall be completed by the fourth respondent within a period of **two weeks from today**.

- (b) The Emergency Travel Certificate issued by the fourth respondent, based on which the petitioner travels back to India, should not cause any prejudice or hindrance to the petitioner since the petitioner is travelling to India for the purpose of getting temporary passport.
- (c) The petitioner on reaching India, shall submit the necessary application before the third respondent and seek for the temporary passport and, the third respondent shall issue the temporary passport within a period of **two weeks** from the date of submission of the application.
- (d) The petitioner shall appear before the fifth respondent for enquiry and the statement of the petitioner can be recorded by the fifth respondent and can proceed further in accordance with law. This process shall parallelly continue without waiting or the completion of the process of issuing temporary passport to the petitioner.
- (e) The decision to be taken by the fifth respondent will ultimately decide the future course of action to be taken by



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the petitioner, who is seeking to acquire the citizenship of Hong Kong. Hence, time becomes an important factor since the stay of the petitioner and his family members at Hong Kong is allowed only till **31.08.2025**. Therefore, the fifth respondent has to take a decision well within time so as to enable the petitioner to take the future course of action. In any event, the same shall be informed to the petitioner on or before **15.08.2025**.

- (f) If ultimately the FEMA proceedings initiated by the fifth respondent does not result in any penalty against the petitioner, clearance certificate must be given by the fourth respondent.

7. This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

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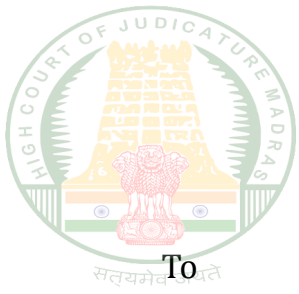
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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note : Issue Order copy today (26.06.2025)



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To

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- 1.The Secretary To Government,
Ministry Of External Affairs,
Government Of India New Delhi
- 2.The Commissioner
Bureau Of Immigration, Haddows Road,
Thousand Lights West, Thousand Lights,
Chennai 600 008
- 3.The Regional Passport Officer
Ministry Of External Affairs
Royala Towers No 2 And 3
IV Floor Old No 785, New No 158
Anna Salai, Chennai 02
- 4.H.E Consul General
Consul General Of India, Hong Kong 16-a
United Center, 95 Queens Way Admiralty,
Hong Kong
- 5.The Director
Directorate Of Enforcement Department Of
Revenue Ministry Of Finance, Government Of
India Iv And V Floor, Iii, Block B Wing
No.26, Haddows Road, Chennai 600 006



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N.ANAND VENKATESH J.

KST

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