



W.P.No.35850 of 2024

WEB COPY

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 04.03.2025

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.35850 of 2024  
and W.M.P.No.38710 of 2024

S.Annaletchumi

.. Petitioner

**Versus**

1. The Foreigners Regional Registration Officer,  
Bureau of Immigration, Ministry of Home Affairs,  
Government of India, Shastri Bhavan Annex,  
No.26, Haddows Road,  
Nungambakkam, Chennai - 600 006.

2. The District Collector,  
Vellore District.

3. Union of India,  
Rep. by its Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi - 110 001.

.. Respondents

(R3 - impleaded as per order, dated 04.03.2025 in  
W.M.P.No.724 of 2025 in W.P.No.35850 of 2024)



W.P.No.35850 of 2024

WEB COPY

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 2nd respondent to consider the application in MHA File No:2024020434, dated 24.10.2024 seeking citizenship as per the Act and Rules and to forbear the 1st respondent from in any manner resorting to coercive action awaiting the outcome therein.

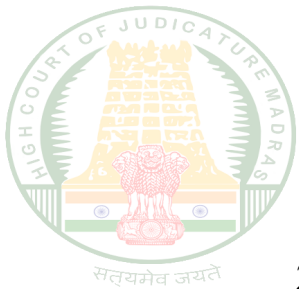
For Petitioner : Mr.C.Umashankar,  
Assisted by Mr.L.K.Manjunath

For Respondents : Mrs.V.Sudha,  
Central Government Counsel, for R1

: Mr.S.Senthil Murugan,  
Special Government Pleader, for R2

### **ORDER**

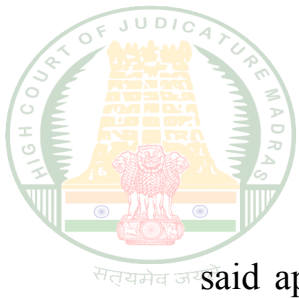
This Writ Petition is filed to issue a Writ of Mandamus directing the second respondent to consider the application of the petitioner in MHA File No:2024020434, dated 24.10.2024 seeking citizenship as per the Acts and Rules and to forbear the first respondent in any manner resorting to coercive action awaiting the outcome therein.



W.P.No.35850 of 2024

WEB COPY

2. The case of the petitioner is that the petitioner was born in Malaysia on 26.06.1968. When the petitioner's father, who is an Indian citizen, was employed in Malaysian Embassy of the Indian Government. It is stated that both the parents of the petitioner are Indians and they have their roots in Devakottai. Accordingly, even though the petitioner held Malaysian Passport, she had her school and college education only in India. She got married to an Indian and continuously she was living only in India. Her son is also an Indian citizen. The petitioner was also issued with a P.I.O Card (Person of Indian Origin Card). When the petitioner's husband died in harness while in service, the petitioner was also offered compassionate appointment which she took. Subsequently, only on petition by third parties, the entire issue is now raked up and the petitioner is now considered to be a Malaysian citizen and even the petitioner has problem with her employment, for the same, a separate Writ Petition was filed and the said Writ Petition is also disposed with a further direction to attend the enquiry. The petitioner had even applied for Indian citizenship. Halfway through the enquiry in the



W.P.No.35850 of 2024

WEB COPY

said application, her O.C.I card (Overseas Citizenship of India card) itself stands cancelled and on top of it, pending the Writ Petition, now, the petitioner is given an exit notice requesting her to exit the country on or before 04.03.2025 i.e., today. It is under these circumstances, this Writ Petition is taken up for hearing and is heard by this Court.

3. The learned Counsel for the first respondent, on instructions, would submit that the petitioner took an O.C.I card by giving erroneous information in the Police verification and accordingly, the same is cancelled. It is not disputed that the petitioner's parents are Indian citizens or that she will be entitled for an O.C.I card, but, she did not apply by following proper procedure by giving appropriate information. Further, it is stated that the citizenship application of the petitioner cannot be considered as on today because her stay, as on today, in India is not legal. The petitioner has to exit India in the manner known to law and thereafter, apply visa for India and thereafter, if she applies, the said application can be considered in



*W.P.No.35850 of 2024*

WEB COPY

accordance with law. As on date, her prayer to consider her application for citizenship can no longer be considered because the petitioner's Malaysian passport has also expired, and her visa has since been expired and she is overstaying and as on date, her stay in India is not legal. Therefore, she is rightly asked to leave the country on or before 04.03.2025.

4. In reply, the learned Counsel for the petitioner would submit that it is true that the petitioner's passport has since been expired. However, she has applied to the Malaysian authorities to renew her passport and also to grant such permission by way of a temporary order to exit India. The same is awaited. Only if the said temporary order to exit India, in the form of a temporary passport or such appropriate order, is issued by the Malaysian authorities, she can produce the same before the Indian authorities to get an exit order and exit India. In spite of her best efforts, she is unable to get such order from the Malaysian authorities and she, therefore, seeks further 45 days time to get the same from the Malaysian authorities. It is submitted by



*W.P.No.35850 of 2024*

WEB COPY

the learned Counsel that once such order/temporary passport/permission is granted by the Malaysian authorities, she will apply with the Indian Embassy for an exit permission and she will exit India and thereafter, she will get her passport renewed in Malaysia and thereafter, she will renew her application for citizenship.

5. It is further pleaded that originally, the petitioner's mother was living in Malaysia and therefore, she had some roots in Malaysia. Except for the same, everything else, relating to the petitioner, is only in India. Her son is an Indian citizen and she has nothing to do in Malaysia. Therefore, she is very keen in renouncing her Malaysian citizenship and getting an Indian citizenship.

6. On an overall consideration of the facts and circumstances of the case, this is one of the common problems of the families that live in and around Devakottai whether they have their roots both in India and Malaysia.



W.P.No.35850 of 2024

WEB COPY

Some members of the family choose to hold Indian passport and some members of the family choose to retain the Malaysian passport. This is because they want to have their strange hold in both the countries to carry out their business activities and maintain their properties etc. After all, human mind and industry knows no borders, but, we as humans are divided by borders. No allegation is made against the petitioner. But, the petitioner has to follow the laws of the land, namely law of the country, in which, she wants to live, that is India, and law of the country, which she wants to leave, that is Malaysia. Therefore, this Court can, at best, only grant breathing time that is pleaded by the petitioner so that she can follow the rule of law.

7. In view thereof, the dead line, that is granted by the first respondent to exit India on or before 04.03.2025, shall stand extended by 30 days i.e., upto 03.04.2025. In the meanwhile, by placing the dead line that is already issued by the first respondent asking the petitioner to leave India by 04.03.2025 itself and also a copy of this order before the appropriate



*W.P.No.35850 of 2024*

WEB COPY

authorities of Malaysia, the petitioner shall obtain the due one time permission/temporary passport or whatever the relevant permission as per the procedure that is followed by the said nation and the authorities and obtain the said permission/order and place the same before the first respondent so as to grant one time emergency exit.

8. Upon placing thereof, it is stated on behalf of the first respondent that the first respondent will consider the same and grant permission for one time emergency exit. With the said order, the petitioner shall exit India and first, get her passport renewed by Malaysian authorities and thereafter, can apply for Indian visa to come back to India and as when she makes an application, the same will be duly considered and thereafter only, she can make an application for citizenship which will also be duly considered in accordance with law. The first respondent will duly consider the social background of the petitioner and that she has no other criminal records while considering the request for visa as well as the citizenship in this regard in



W.P.No.35850 of 2024

accordance with law.

WEB COPY

9. With the above directions, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.03.2025

Neutral Citation : no  
grs



W.P.No.35850 of 2024

To  
WEB COPY

1. The Foreigners Regional Registration Officer,  
Bureau of Immigration, Ministry of Home Affairs,  
Government of India, Shastri Bhavan Annex,  
No.26, Haddows Road,  
Nungambakkam, Chennai - 600 006.
2. The District Collector,  
Vellore District.
3. The Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi - 110 001.



WEB COPY



*W.P.No.35850 of 2024*

**D.BHARATHA CHAKRAVARTHY, J.**

grs

W.P.No.35850 of 2024  
and W.M.P.No.38710 of 2024



WEB COPY



*W.P.No.35850 of 2024*

04.03.2025