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W.P.No.35712 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35712 of 2025

And

W.M.P.No.39970 of 2025

Bahison R.

... Petitioner

Vs.

- 1 Union of India
Through the Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi – 110 001.
- 2 Bureau of Immigration
Regional Office for Tamil Nadu,
Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai – 600 006,
Tamil Nadu.
- 3 Ministry of External Affairs
South Block, Raisina Hill,
New Delhi – 110 011.
- 4 State of Tamil Nadu
Rep. by the Principal Secretary to Government
Tamil Nadu State Government,
Secretariat, Fort St. George, Rajaji Salai,
Chennai – 600 009.



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- 5 District Collector,
Chennai District,
Office at District Collectorate Office,
No.1, Rajaji Salai,
Chennai – 600 001.
- 6 Foreigners Regional Registration Office,
No.26, Haddows Road,
Shastri Bhawan Annexe Building,
Nungambakkam
Chennai – 600 006.
- 7 Superintendent of Police
Q Branch, CID,
DGP Office Complex,
No.7, Kamarajar Road,
Mylapore, Chennai – 600 004
Tamil Nadu
- 8 Inspector of Police
Central Crime Branch (CCB- I)
Commissioner Office Campus,
EVK Sampath Road Vepery
Chennai 600007 Tamil Nadu
- 9 Inspector of Police
R-11 Royala Nagar Police Station,
No. 3/1A, Next to SRM Dental College,
Bharathi Salai,
Ramapuram,
Chennai – 600 089,
Tamil Nadu.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition restraining the 1st 3rd and 4th respondents from passing any adverse orders directing and notifying the detention



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of the petitioner under Section 3 (2)(e) of the Foreigners Act, 1946 (repealed Act No.31 of 1946) - or - Section 3(2)(e) of the newly enacted Immigration and Foreigners Act, 2025 (Act No. 13 of 2025) pending disposal of the petitioner's Application dt.21.07.2025 bearing MHA No. 2025080330 currently on the file of the 5th respondent seeking Citizenship by naturalization under Section 6 of the Citizenship Act, 1955 (Act No.57 of 1955).

For Petitioner : Mr.Sandesh Saravanan

For Respondents : Mr.A.Kumaraguru for R1 to R3 & R6
Senior Panel Counsel
Mr.M.Suresh Kumar for R4 and R5
Additional Advocate General
Assisted by
Mr.A.M.Ayyadurai
Government Advocate
Mr.L.Basker for R7 to R9
Government Advocate (Crl. Side)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Prohibition restraining the respondents 1, 3 and 4 from passing any adverse orders directing and notifying the detention of the petitioner under Section 3 (2)(e) of the Foreigners Act, 1946 (repealed Act No.31 of 1946) - or - Section 3(2)(e) of the newly enacted Immigration and Foreigners Act, 2025 (Act No. 13 of 2025) pending disposal of the petitioner's Application dated 21.07.2025



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bearing MHA No.2025080330 currently on the file of the fifth respondent seeking Citizenship by naturalization under Section 6 of the Citizenship Act, 1955 (Act No.57 of 1955).

2.The learned counsel appearing for the petitioner submitted that the petitioner is a permanent resident of Tamil Nadu residing in Ramapuram, Chennai and is employed as a Web Developer in a private real estate company. The petitioner's parents are Sri Lankan citizens who fled the country during 1991 and registered themselves at Refugee camp situated at Mandapam, Rameshwaram. The petitioner was born in Tanjore (aka) Thanjavur on 16.09.1991 and was raised as an Indian national and completed his school education and graduation in India. The petitioner also holds various government – issued identity documents like Aadhaar, Voter ID, Ration Card, PAN and Driver's license and the petitioner and his family have been cooperating with local Police and Immigration Authorities.

3.The learned counsel appearing for the petitioner further submitted that the petitioner was issued with passport during the year 2024. Thereafter the petitioner applied for re-issuance of passport so as to include the name of his spouse and was issued with passport



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incorporating his spouse name, however, after issuance of the same, the petitioner was told that he is 'stateless' and ineligible for Indian Passport. Hence the petitioner applied before the fifth respondent for citizenship by naturalization under Section 6 of the Citizenship Act, 1955 and filed his application under Form – VIII of the Citizenship Rules, 2009 and the same is pending. Whiles, the petitioner was arrested on 21.08.2025 by the eighth respondent and was remanded to judicial custody and thereafter released on bail on 04.09.2025 vide order of the learned Principal and Sessions Court at Chennai in Crl.M.P.No.8178 of 2025.

4.The learned counsel appearing for the petitioner further submitted that this Court may, without going into the merits of the case, issue direction to the respective authorities to take a decision with regard to the citizenship of the petitioner and may extend the order of interim stay granted by this Court on 17.09.2025 in W.M.P.No.39970 of 2025 in W.P.No.35712 of 2025 till the respective authority takes a decision with regard to the citizenship of the petitioner.

5.The learned Additional Advocate General appearing for the



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respondents 4 and 5 submitted that pursuant to the application made by the petitioner, the fifth respondent deputed concerned Revenue Divisional Officer to conduct enquiry and the Revenue Divisional Officer after conducting enquiry forwarded his report on 04.11.2025 and further submitted that the fifth respondent will forward the same to the fourth respondent and the fourth respondent in turn will forward the same to the third respondent. Till a decision is taken by the respondents 3 and 4, no coercive steps will be taken against the petitioner.

6.The learned Senior Panel Counsel appearing for the respondents 1 to 3 and 6 submitted that immediately after receipt of the report from the fourth respondent, the third respondent will take appropriate decision in terms of the Citizenship Act.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Admittedly, the petitioner applied before the fifth respondent for citizenship by naturalization under Section 6 of the Citizenship Act, 1955 and filed his application under Form – VIII of the



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Citizenship Rules, 2009. Pursuant to the petitioner's application, the fifth respondent has deputed Revenue Divisional Officer to conduct enquiry and the Revenue Divisional Officer after conducting enquiry has forwarded his report on 04.11.2025. It is the contention of the learned Additional Advocate General that the fifth respondent will forward the report to the fourth respondent and the fourth respondent in turn will forward the same to the third respondent since the third respondent is the deciding authority for granting citizenship.

9.In view of the above, this Court directs the third respondent to take appropriate decision on the basis of the application made by the petitioner strictly in terms of the Citizenship Act. Till such time, the respondents are directed to not to take any coercive steps against the petitioner.

10.The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

05.11.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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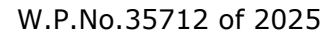


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- 3 Ministry of External Affairs
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And
W.M.P.No.39970 of 2025**

M.DHANDAPANI, J.,

This matter is listed today under the caption "for being mentioned".

2. The learned counsel appearing for the petitioner submits that in the order dated 05.11.2025, in paragraph 9, in the first line, instead of first respondent, it has been wrongly mentioned as third respondent.

3. In view of the submission made by the learned counsel appearing for the petitioner, the Registry is directed to carry out necessary corrections in the order of this Court dated 05.11.2025 and issue fresh order copy.

20.11.2025

Tsg

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No
To

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Mylapore, Chennai – 600 004



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M.DHANDAPANI, J.,

Tsg

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Central Crime Branch (CCB- I)
Commissioner Office Campus,
EVK Sampath Road Vepery
Chennai 600007 Tamil Nadu
- 9 Inspector of Police
R-11 Royala Nagar Police Station,
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And
W.M.P.No.39970 of 2025**

M.DHANDAPANI,J.

The matter is today listed under the caption 'for being mentioned' at the instance of the Registry.

2.It is brought to the notice of this Court by the Registry that in the order dated 05.11.2025 made in W.P.No.35712 of 2025, in the prayer and in the first paragraph, Section of Law has been wrongly mentioned i.e., instead of, 'under Section 3 (2)(e) of the Foreigners Act, 1946 (repealed Act No.31 of 1946) - or - Section 7(2)(f) of the newly enacted Immigration and Foreigners Act, 2025 (Act No. 13 of 2025) pending disposal of the petitioner's Application', it has been wrongly mentioned as 'under Section 3 (2)(e) of the Foreigners Act, 1946 (repealed Act No.31 of 1946) - or - Section 3(2)(e) of the newly enacted Immigration and Foreigners Act, 2025 (Act No. 13 of 2025) pending disposal of the petitioner's Application' and sought for appropriate orders for making necessary corrections.



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3. In view of the above, in the order dated 05.11.2025 made in W.P.No.35712 of 2025,

(i) the prayer in the preamble portion of the order is to be read as follows:

"Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition restraining the 1st 3rd and 4th respondents from passing any adverse orders directing and notifying the detention of the petitioner under Section 3 (2)(e) of the Foreigners Act, 1946 (repealed Act No.31 of 1946) - or - Section 7(2)(f) of the newly enacted Immigration and Foreigners Act, 2025 (Act No. 13 of 2025) pending disposal of the petitioner's Application dt.21.07.2025 bearing MHA No. 2025080330 currently on the file of the 5th respondent seeking Citizenship by naturalization under Section 6 of the Citizenship Act, 1955 (Act No.57 of 1955).

(ii) the first paragraph is to be read as follows:

"The petitioner has filed this writ petition seeking issuance of Writ of Prohibition restraining the respondents 1, 3 and 4 from



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passing any adverse orders directing and notifying the detention of the petitioner under Section 3 (2)(e) of the Foreigners Act, 1946 (repealed Act No.31 of 1946) - or - Section 7(2)(f) of the newly enacted Immigration and Foreigners Act, 2025 (Act No. 13 of 2025) pending disposal of the petitioner's Application dated 21.07.2025 bearing MHA No.2025080330 currently on the file of the fifth respondent seeking Citizenship by naturalization under Section 6 of the Citizenship Act, 1955 (Act No.57 of 1955)."

4.Registry is directed to carry out the necessary corrections and re-issue copy of the order to the respective learned counsel appearing for the parties.

02.01.2026

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