



W.A(MD)No.820 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.04.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.820 of 2025
and
C.M.P(MD)No.5445 of 2025**

P.Umadevi

... Appellant

vs.

1. The Secretary,
Ministry of External Affairs,
No.68, College Road, E.V.K Sampath Salai,
7th Floor, Nungambakkam,
Chennai-600 006.

2. The Passport Officer,
Regional Passport Office,
West Boulevard Road,
Water Tank Building,
Trichy-620 008.

3. The Superintendent of Police,
Trichy Rural, Trichy District.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 04.01.2024 made in W.P(MD)No.19357 of 2018.



WEB COPY



W.A(MD)No.820 of 2025

For Appellant : Ms.Abishaa for M/s.Isaac Chambers
For R2 : Mr.G.Thalaimutharasu, Standing Counsel

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 04.01.2024 made in W.P(MD)No.19357 of 2018.

2. The facts leading to the filing of the writ appeal are as follows:

The appellant is the writ petitioner. Her father is an Indian. He married the appellant's mother, who is a Srilankan. The appellant was born on 08.12.1960 at Srilanka. The entire family is residing at India from the year 1976. The appellant got married to one Amudhan, who is also an Indian. She approached the respondent Passport authorities for grant of passport to visit her children, who are in United Kingdom and United States. The said application was not considered. Hence, the petitioner filed the writ petition. The Writ Court by impugned order, disposed of the writ petition in the following lines:

"5.Admittedly, the petitioner is a citizen of Srilanka and she was deported to India on 06.07.1976. The petitioner



WEB COPY



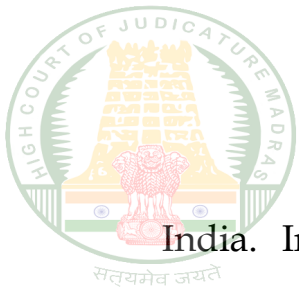
W.A(MD)No.820 of 2025

claims that she got married to one Amudhan, who is an Indian. However, she has not filed any application to register herself as a citizen of India.

6.In view of the above, this writ petition is disposed of with a direction to the petitioner to apply before the concerned authorities for the citizenship of India and in the event, if she is recognized as an Indian, thereafter, she can apply for grant of passport. No costs.'

Aggrieved by the said order, the writ petitioner has filed this appeal.

3. Assailing the impugned order, learned counsel for the appellant would submit that Section 4 of the Citizenship Act, 1955, speaks about citizenship by descent. Sub-Section (1)(a) of Section 4 states that a person born outside India on or after the 26th day of January, 1950, but before the 10th day of December 1992, shall be a citizen of India by descent, if such person's father is a citizen of India at the time of his birth. In this case also, the appellant's father was a citizen of India at the time of the appellant's birth. The birth certificate of the appellant dated 09.06.1976 shows that her father was a citizen of India at that time. Therefore, as per Section 4(1)(a), the appellant is a citizen of India by descent and therefore, she need not apply for the citizenship of



W.A(MD)No.820 of 2025

India. In support of her contention, she would rely upon the judgment of the Hon'ble Supreme Court in 2024 SCC Online SC 2880. Thus, she would pray for setting aside the impugned order and to allow the writ appeal.

4. Heard both sides.

5. As rightly contended by the learned counsel for the appellant, since the appellant's father was a citizen of India at the time of birth of the appellant, the appellant is a citizen of India by descent as per Section 4(1)(a) of the Citizenship Act. Even the Apex Court in the judgment reported in 2024 SCC Online SC 2880, has held that the law does not mandate that persons who are covered in the categories prescribed by Sections 3 and 4 of the Citizenship Act must register to acquire citizenship. Thus, registration is not the de-facto model of securing citizenship in India.

6. In view of the said judgment and Section 4(1)(a) of the Citizenship Act, the order dated 04.01.2024 made in W.P(MD)No.19357



W.A(MD)No.820 of 2025

of 2018, is set aside and the Writ Appeal is allowed directing the 2nd

respondent to issue passport to the appellant within a period of four weeks from the date of receipt of a copy of this judgment. No costs.

Connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
28.04.2025

Index : Yes / No
Neutral Citation : Yes / No
bala

To

1. The Secretary,
Ministry of External Affairs,
No.68, College Road, E.V.K Sampath Salai,
7th Floor, Nungambakkam,
Chennai-600 006.

2. The Passport Officer,
Regional Passport Office,
West Boulevard Road,
Water Tank Building,
Trichy-620 008.

3. The Superintendent of Police,
Trichy Rural, Trichy District.



WEB COPY



W.A(MD)No.820 of 2025

J.NISHA BANU, J.
AND
S.SRIMATHY, J.

bala

JUDGMENT MADE IN
W.A(MD)No.820 of 2025
DATED : 28.04.2025