



W.A(MD)No.2238 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2238 of 2025

and

C.M.P(MD)No.12729 of 2025

Ms.Selvarani

... Appellant/Petitioner

Vs.

1.Government of India,
Ministry of External affairs,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Passport Issuing Authority,
The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent, to set aside the order dated 15.07.2025 in W.P(MD)No.16140 of 2025.



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For Appellant : Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Roy and Roy Associates
For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

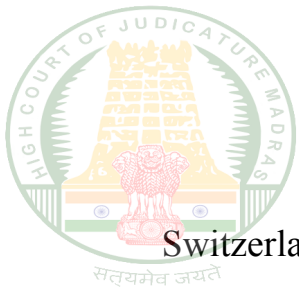
JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM.,J.**)

The intra Court appeal on hand has been instituted to assail the writ order dated 15.07.2025 passed in W.P(MD)No.16140 of 2025.

2. The Writ Court dismissed the writ petition mainly on the ground that the appellant has failed to establish her Indian citizenship under the provisions of the Act for considering her application seeking passport under the Passport Act, 1967.

3. The facts are ascertained by the passport authority reveals that the appellant went to Srilanka from India and stayed in Srilanka for 6 months and managed to obtain a Srilankan Passport in the year 1993 and she entered Switzerland in the year 1993 on the strength of Srilankan passport and later obtained a re-issued Srilankan Passport in the year 2010 while she was residing in

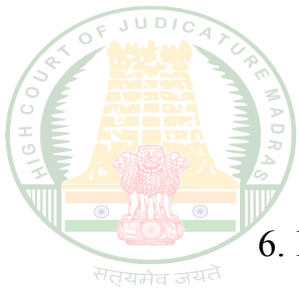


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Switzerland. Thus, the appellant stayed in Switzerland upto 2019, ie., more than 26 years she was in abroad as a Srilankan National. The appellant agreed that she travelled to India and other European countries during that period on the strength of Srilankan Passport. Further, she has stated in her explanation before the Passport authority that both her children aged about 30 years and 27 years are Swiss National and her husband is a Srilankan National. Further, she mentioned that she teared that Srilankan Passport in the year 2019 after her entry into India as she realized that Srilankan Passport is no more required.

4. Based on the above factual finding, the Passport Authority declined to consider the application submitted by the appellant for grant of Passport.

5. Mr.T.Lajapthy Roy, learned Senior Counsel appearing on behalf of the appellant would mainly contend that the appellant is an Indian citizen. She acquired Srilankan Passport illegally. A case was registered. The Passport authority admitted the said fact. While so, there is no reason to reject the application seeking Passport.



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6. Mr.K.Govindaraj, learned Deputy Solicitor General of India appearing on behalf of the respondents would oppose by stating that under Section 9 of the Citizenship Act, the appellant ceased to exist as an Indian citizen since she acquired Srilankan Passport and utilized the same by residing in European countries and other countries for about 26 years. Therefore, her Indian citizenship ceased to exist at the time of filing of an application under the Passport Act 1967. That apart, Section 11 of the Passport Act contemplates an appeal. The appellant has to establish her Indian citizenship by preferring an appeal and based on the documents, if any available. In any event, the Writ Court has rightly dismissed the writ petition.

7. Section 9(1) of the Citizenship Act reads as under:-

"9. Termination of citizenship.

(1)Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act, voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs:"



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WEB COPY 8. In the present case, the facts established before the Passport Authority reveals that the appellant has not stayed in India for more than 26 years. She stayed in Switzerland and in many other European countries under the strength of the Srilankan Passport, which was illegally obtained by her even as per her own statement. That being so, the Passport Authority rejected the application.

9. Under these circumstances, this Court do not find any infirmity in respect of the order of the Writ Court dismissing the writ petition. However, the appellant has possessed any other document to establish her Indian citizenship, she is at liberty to prefer an appeal under Section 11 of the Passport Act which has been already informed to her by the Passport Authority in the order dated 28.03.2025, which is impugned in the writ proceedings.

10. With these observations, the writ order dated 15.07.2025 made in W.P(MD)No.16140 of 2025 impugned in the writ appeal stands confirmed and the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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11. In view of the above, preferring an appeal under Section 11 of the Passport Act, the authority shall consider the period during which the writ petition was pending before this Court while calculating the delay in preferring the statutory appeal.

(S.M.S., J.) & (G.A.M., J.)
28.08.2025

NCC : Yes / No
Index : Yes / No
am

To

1. The Ministry of External affairs,
Government of India,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2. The Passport Issuing Authority,
The Regional Passport Officer,
Regional Passport Office,
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