



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WA No. 1423 of 2026 and
CMP.No.13110 of 2026**

Akhilesh Rajan Nair,
S/o. Late Rajan Nair,
Plot No.11, Flat No.301,
Soundarapandian Street,
Ashok Nagar, Chennai-83.

..Appellant(s)

Vs

1. The Union of India
Rep. by its Director (Citizenship),
Ministry of Home Affairs,
Foreigner's Division,
Room No. 19, 2nd Floor,
Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi-002.
2. The Secretary to Government,
Home Department,
Secretariat, Fort St. George,
Chennai-09.
3. The District Collector
Collectorate Office,
Singaravelar Maligai,
62, First Line Beach, Chennai.

..Respondent(s)

PRAYER : Appeal filed under Clause 15 of the Letters Patent, to set aside the order of the Learned Judge in WP No. 13607 of 2024 dated 04.03.2026, on the file of this Court.



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For Appellant(s):

Mr.Sunnysheen for
Mr.K.Sharath Chandran

For Respondent(s):

Mr.K.Srinivasa Murthy
(Sr. Panel Counsel. Central Govt.) For R1
Mr.Mohammed Fayaz Ali, for R2 & R3

JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan J.)

Heard both sides.

2. The appellant herein was the writ petitioner. The appellant's parents were both Indian citizens. When they were working in Singapore, the appellant was born there on 19.02.1999. Thus, the Singapore citizenship was conferred on him by virtue of his birth there. The appellant's father passed away. The appellant's mother and the appellant returned to India in the year 2003. Subsequently, the appellant attained majority in the year 2018. Immediately thereafter, the appellant applied with the Union Government, seeking conferment of Indian citizenship. The appellant was also granted with an OCI card on 11.05.2018.

3. Even though the State of Tamil Nadu recommended the appellant's case, the Union Government took the stand that the appellant would be treated as an illegal migrant and therefore, his application was not entitled to be considered. Consequently, a rejection order was passed. Challenging the same,



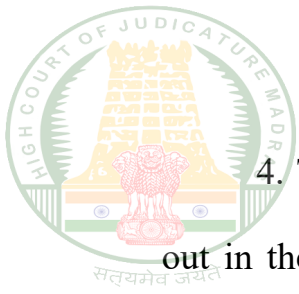
W.P.No.13607 of 2024 came to be filed. The learned Single Judge disposed of the Writ Petition on 04.03.2026, in the following terms:-

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“4. The 1st respondent has filed a counter affidavit before this Court, wherein, in para No.22, it is stated that, as per Section 15-A of the Citizenship Act, 1955, as against any order passed under the Citizenship Act, 1955, there is a review remedy available. Pointing out to the same, the learned Central Government Standing Counsel appearing for the 1st respondent would submit that this Court may direct the petitioner to file a review before the authorities within a stipulated time and the same will be considered and appropriate orders will be passed by the authorities within a period of twelve weeks thereafter.

5. In view of the submissions made by the learned counsel on either side and having regard to the review remedy available under Section 15-A of the Citizenship Act, 1955, this Court permits the petitioner to file a review under Section 15-A of the citizenship Act, as against the impugned order, within a period of four weeks from the date of receipt of a copy of this order and the concerned authorities, on receipt of such Review Application from the petitioner, shall consider and pass orders on the same, on merits and in accordance with law, after affording an opportunity to the petitioner, within a period of twelve weeks from the date of receipt of such review application.”

Assailing the said order, this Writ Appeal has been filed.



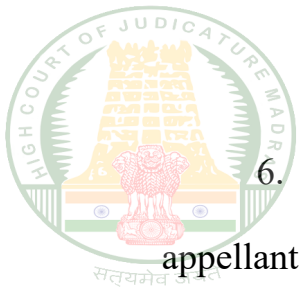
4. The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to grant the relief as prayed for.

5. Per contra, the learned Senior Panel Counsel appearing for the first respondent submitted that admittedly the appellant entered India on the strength of Singapore Passport. The validity of the passport has expired. Thus, the appellant's stay in India should be considered as one of illegal over stay. He drew our attention to the relevant definition set out under Section 2 (1) (b) of the Citizenship Act, which defines, who is an illegal migrant and the said definition reads as follows:-

“Sec 2(1)(b) “illegal migrant” means a foreigner who has entered into India—

(i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or

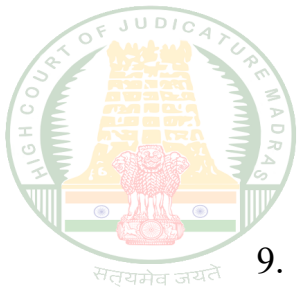
(ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time;



6. Contending that the learned Single Judge has rightly relegated the appellant to avail the remedy of review under Section 15-A of the Citizenship Act, he called upon this Court to dismiss the appeal.

7. We carefully considered the rival submissions and went through the materials on records. Admittedly, the appellant's parents were both Indian citizens. The appellant did not voluntarily acquire the Singapore citizenship. Rather, it was thrust upon him. Shortly before attaining majority, the appellant had submitted an application seeking conferment of Indian citizenship. Infact, the learned counsel for the appellant pointed out that the appellant was not seeking Indian citizenship, but rather, he only wanted an acknowledgment or declaration of a fact.

8. We are of the view that by submitting an application before the Indian authorities, the appellant had impliedly renounced his Singapore citizenship. The appellant's counsel made it clear that the appellant does not want to retain his Singapore citizenship. The appellant had already been issued with OCI card. Such a person's stay in India cannot be considered as an illegal over stay. We are therefore of the view that the appellant's application deserves to be considered on merits and not negated on a technical ground.



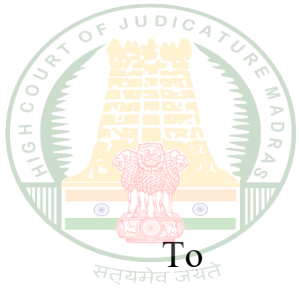
9. Hence, we set aside the order of the learned Single Judge made in W.P.No.13607 of 2024 dated 04.03.2026. Further, we direct the first respondent to dispose of the appellant's application on merits and as per law, as expeditiously as possible. It is made clear that the appellant shall not be considered as an illegal migrant.

10. With the above direction, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.,J.) (V.L.N.,J.)
27-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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1. The Director (Citizenship),
Union of India,
Ministry of Home Affairs,
Foreigner's Division,
Room No. 19, 2nd Floor,
Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi-002.
2. The Secretary to Government,
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