



**W.P.(MD).No.3505 of 2026**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.02.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.3505 of 2026**

**and**

**W.M.P(MD) Nos.2873 and 2874 of 2026**

Anandharaj Thangavelu

...Petitioner

Vs

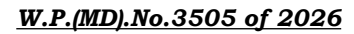
1. The Union of India,  
Represented by its Secretary,  
Ministry of External Affairs,  
Jawaharlal Nehru Bhavan,  
23-D, Janpath,  
New Delhi – 110 011.

2. The Consul General,  
Consulate General of India,  
O/o. Indian High Commission  
Level- 6, 12 Georges TCE,  
Perth, WA 6000,  
Western Australia.

3. The Secretary to Government of India,  
Foreigners Division (OCI)  
Ministry of Home Affairs,  
New Delhi.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India,  
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



For Petitioner : Mr.M.S.Suresh Kumar

For R1 and R3 : Mr.K.Govindarajan  
Deputy Solicitor General of India

The present writ petition has been filed seeking to quash the order passed by the second respondent herein, wherein the petitioner has been directed to surrender his Overseas Citizenship of India (OCI) Card before the nearest Indian Consulate / High Commission.

2. Since the second respondent is located in Perth, Western Australia, Registry has raised an objection with regard to the maintainability of the writ petition and it is listed under the caption “for maintainability”.

3. According to the learned counsel appearing for the writ petitioner, the petitioner had obtained Bachelor's degree in Law and enrolled himself



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with the Bar Council of Tamil Nadu and Puducherry, Chennai and he was practicing before the Madurai Bench of Madras High Court and later he got married and relocated to Australia in the year 2011 and he had acquired Australian citizenship in the year 2017.

4. The petitioner has made an application for Overseas Citizenship of India to the second respondent and he was granted the same under Section 7-A of the Citizenship Act, 1955. The petitioner had completed a bridging course in Law in Australia and was admitted as a Lawyer by the Supreme Court of Western Australia on 04.07.2025.

5. Based upon his qualification, the petitioner was appointed as a Confiscation Officer on a fixed-term contractual basis with the Western Australian police. According to him, the said job is purely civil in nature and he was neither trained by the Police Department, nor was provided with any Uniform.

6. The learned counsel appearing for the petitioner further submitted that when the petitioner updated his personal details like change of address

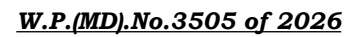


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and occupation into the OCI portal in April 2025, he got a reply that his status has been approved. Thereafter, he was travelling to India with his OCI booklet as usual. Suddenly, on 21.01.2026, the petitioner has received an email from the second respondent to the effect that since he has joined the Police Department, he is not eligible to hold an OCI Card and he was directed to surrender the same to the nearest Indian Consulate/High Commission, which is under challenge.

7. According to the learned counsel appearing for the writ petitioner, the cancellation procedure is contemplated under Section 7-D of Citizenship Act, 1955. As per the proviso to the selection, unless opportunity is granted to the OCI Cardholder, the card cannot be cancelled by the authorities. However, in the present case, the card has been cancelled directly without issuing any notice or conducting any enquiry.

8. The learned counsel appearing for the petitioner further submits that the contractual work that has been undertaken by him in Western Australian Police Department is only offering legal advice to them and it is civil in nature therefore that cannot be construed to be in a service in the Police



9. The learned Deputy Solicitor General of India appearing for the respondents submitted that the petitioner had been conferred with an OCI under Section 7-A of the Citizenship Act, 1955. He further relied upon a notification issued by the Ministry of Home Affairs dated 22.07.2021, wherein it has been specifically stated that a person who joins a foreign military or police service, whether serving or retired, is not eligible for registration as an OCI Cardholder. Therefore, any registration granted in such instances would automatically stand cancelled, and the question of invoking Section 7-D of the Citizenship Act would not arise. It was further submitted that only if the cancellation falls within any of the enumerated grounds under Section 7-D of the Citizenship Act, the question of granting a writ to the writ petitioner arise. In all other cases, a person disqualified on account of joining the military service of a foreign country would not be entitled to such an opportunity.



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10. The learned Deputy Solicitor General of India further relied upon Section 14 of the Citizenship Act, 1955 and submitted that the Union of India is empowered to decide upon the acceptance or rejection of an application under Section 7-A of the said Act. In the present case, the petitioner's application for grant of OCI card has been rejected and, therefore, the question of reopening or adjudicating the same does not arise, in view of Section 14 of the Act.

11. Heard the learned counsel on either side and perused the materials available on record.

12. The facts narrated above will clearly indicate that the petitioner was earlier holding an OCI Card, which was granted to him by the second respondent under Section 7-A of the Citizenship Act, 1955. Admittedly, the petitioner has joined on contract basis as a Confiscation Officer in the Western Australia Police Department. As per the direction of the Ministry of Home Affairs, persons who have already joined Foreign Military Police Service either serving or retired will not be entitled to have OCI Card. In such circumstances, the petitioner knowing about the said legal consequences, he



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had made a fresh application under Section 7-A of the Citizenship Act after he had joined Police Department of Western Australia. The said application has been enclosed by way of additional typed set of papers. Therefore, it is clear that the order impugned in the writ petition is not an order under Section 7-D of the Citizenship Act, but it is only a rejection of an application under Section 7-A of the Citizenship Act.

13. In view of the fact that the application under Section 7-A of the Citizenship Act has been rejected and Section 14 of the Citizenship Act get attracted the Central Government is not expected to assign any reasons for such grant or refusal of request for OCI Card.

14. It is always open to the petitioner to approach the concerned authorities to get a fresh OCI Card as and when he gets relieved from the Western Australia Police Department.



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15. With the above said observation, this Writ Petition stands disposed of upholding the issue of maintainability raised by the Registry. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
ebsi

To

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**R.VIJAYAKUMAR,J.**

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