



W.A(MD)No.389 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.389 of 2026
and
C.M.P(MD)Nos.3635 & 3636 of 2026**

Anandharaj Thangavelu,
S/o.S.Thangavelu (Late),
25, Chinnakanmai Street, Goripalayam,
Madurai 625 002,
At Present
18, Coracina Vista,
Wellard, WA 6170,
Australia.

... Appellant/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.



W.A(MD)No.389 of 2026

WEB COPY

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/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 25.02.2026 made in W.P(MD)No.3505 of 2026 on the file of this Court.

For Appellant	: Mr.M.S.Suresh Kumar
For Respondents	: Mr.K.Govindarajan Deputy Solicitor General of India

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge in W.P.
(MD)No.3505 of 2026, dated 25.02.2026, whereby the Writ Petition was



W.A(MD)No.389 of 2026

WEB COPY

disposed of granting liberty to the writ petitioner to approach the concerned authorities to obtain a fresh Overseas Citizenship of India (OCI) card upon his relief from the Western Australia Police Department, the writ petitioner, as appellant, has preferred the present Writ Appeal.

2.The appellant/writ petitioner filed the said Writ Petition seeking to quash the communication dated 21.01.2026 issued by the second respondent, whereby the writ petitioner was requested to surrender his OCI card before the authority concerned along with supporting documents.

3.According to the writ petitioner, he had made an application under Section 7-A of the Citizenship Act, 1995, and was admitted as a lawyer by the Supreme Court of Western Australia on 04.07.2025. Based on his qualification, he was appointed as a Confiscation Officer on a fixed-term contractual basis with the Western Australia Police.



W.A(MD)No.389 of 2026

WEB COPY

4.While being so employed, the communication dated 21.01.2026 was issued by the second respondent primarily on the ground that the writ petitioner was then employed with the Police Department in Australia. Since the writ petitioner was employed in a foreign Police Department, there exists a regulation under the Citizenship Act which does not permit issuance of an OCI card in such circumstances. Hence, the communication was issued. Challenging the same, the writ petitioner filed the Writ Petition.

5.The learned Single Judge, after considering the relevant provisions of the Citizenship Act, 1955, disposed of the Writ Petition with liberty to the writ petitioner to approach the concerned authorities to obtain a fresh OCI card upon being relieved from the Western Australia Police Department.

6.Heard the learned counsel appearing on either side.



W.A(MD)No.389 of 2026

WEB COPY

7.We have perused the entire record. After hearing the submissions, we are of the view that the filing of the Writ Petition was misconceived. The communication merely required the surrender of the OCI booklet on the ground of employment in the Police Department, along with a request to produce the passport and supporting documents at the time of surrender. Instead of surrendering the OCI booklet and explaining that he was not engaged in the Police Department, the writ petitioner cannot, as a matter of right, challenge the communication.

8.No final order had been passed at that stage. The writ petitioner was only asked to surrender the OCI booklet and provide an explanation. Without complying, the Writ Petition is not maintainable. It is not in dispute that the writ petitioner has now acquired Australian citizenship. While it is contended that he is no longer employed in the Police Department, it is for him to establish the same before the authorities concerned. When the authorities called upon, he ought to have submitted his explanation.



WEB COPY



W.A(MD)No.389 of 2026

9.In view of the above, we do not find any merit in the Writ Appeal. Accordingly, the Writ Appeal is dismissed, with liberty to the appellant/writ petitioner to appear before the authority concerned and furnish a proper explanation within fifteen days from today. On receipt of such explanation, the authorities shall decide the matter in accordance with law, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
18.03.2026

NCC : Yes / No
Index : Yes / No
ps

Note: Issue Order Copy on 18.03.2026.



W.A(MD)No.389 of 2026

WEB COPY

To

1.The Secretary,
Represented by the Union of India,
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.



WEB COPY



W.A(MD)No.389 of 2026

N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

ps

ORDER MADE IN
W.A(MD)No.389 of 2026

DATED : 18.03.2026