



W.P.(MD).No.7555 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-03-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.7555 of 2026

Lingammal

... Petitioner

Vs.

1. Union of India,
Represented through its Secretary,
The Ministry of Home Affairs,
The Government of India,
North Block,
New Delhi 110 001.

2. The District Collector,
The District Collectorate Office,
Virudhunagar.

... Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the Respondent to register petitioners minor sons as a Citizens of India as per section 5(4) of Citizenship Act, 1955 based on the petitioners representation dated 03.11.2025 within a time limit as stipulated by this Honble Court and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.



W.P.(MD).No.7555 of 2026

For Petitioner : Mr.I.Romeo Roy Alfred
For R1 : Mr.K.Govindarajan
Deputy Solicitor General of India
For R2 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The writ petition is filed for a Mandamus directing the respondents to grant citizenship on the petitioner's minor sons as per Section 5(4) of the Citizenship Act based on the petitioner's representation dated 03.11.2025 within the time limit stipulated by this Court.

2. Heard Mr.I.Romeo Roy Alfred, learned counsel appearing for the petitioner, Mr.K.Govindarajan, learned Deputy Solicitor General of India, who takes notice for R1 and Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for R2.



W.P.(MD).No.7555 of 2026

WEB COPY

3. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that she is an Indian citizen, born at Ammaiarpatti, Vembakkottai Taluk, Virudhunagar District on 14.02.1998. She married to one Naleem, a Sri Lankan refugee. The marriage between the petitioner and the said Naleem was solemnized on 31.05.2010 and the same was duly registered on 09.10.2011. Out of the wedlock, two male children namely Muhamadhu Azhath and Muhamadhu Mujahith were born on 09.10.2011 and 06.07.2015 respectively in India and the relevant birth certificates have been produced.

4. It is the case of the petitioner that, in view of Section 3(1)(c) of the Citizenship Act, 1955, since one of the parents is a citizen of India by birth and the child was also born in India, the child is entitled to the benefit of citizenship. However, it is stated that the children were also registered in Sri Lanka by the Sri Lankan authorities. An application has been made to the 1st respondent under the provisions of the Citizenship Act, 1955, and the same is pending consideration. Hence, the present writ petition.



W.P.(MD).No.7555 of 2026

5. When the matter came up for admission today, the learned Deputy Solicitor General of India for R1 would submit that applications under the Citizenship Act, 1955 are to be processed through the 2nd respondent namely the District Collector and sought time to file a counter affidavit setting out the stand of the 1st respondent.

6. The learned Government Advocate, taking notice for the 2nd respondent would submit that upon receipt of an application, the 2nd respondent would conduct a field enquiry, collect the relevant factual details and forward the same to the 1st respondent, who is the competent authority.

7. I have considered the submissions made on either side and perused the material records of the case.

8. Though this Court would normally await the filing of a counter affidavit, considering the limited relief sought, the writ petition is taken up for final disposal at the admission stage itself. It is made clear that this Court has not expressed any opinion on the factual aspects of the matter. It is for the 1st respondent, being the competent authority to consider the petitioner's application in accordance with law.



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9. It is further submitted that the existing procedure does not enable the petitioner to submit an online application. Therefore, if any enquiry is required, the 1st respondent may call upon the District Collector to conduct such enquiry and submit a report on the factual aspects.

10. In view of the above, this writ petition is disposed of with the following directions:-

- i. The petitioner's application dated 03.11.2025 shall be taken up for consideration by the 1st respondent or any subordinate authority duly empowered in this regard;
- ii. Due opportunity shall be afforded to the petitioner and to any other person, as the authority may deem fit. Upon conducting such enquiry, appropriate orders shall be passed strictly in accordance with law;
- iii. If any enquiry is required to be conducted through the District Collector, the 1st respondent shall make a written request, pursuant to which the District Collector shall conduct the enquiry. The petitioner shall be at liberty to appear before the District Collector



W.P.(MD).No.7555 of 2026

and produce all relevant documents.

iv. The entire exercise shall be completed as expeditiously as possible, in any event, not later than four (4) months from the date of receipt of a web copy of this order, without waiting for the certified copy of the order.

v. No costs.

23.03.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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W.P.(MD).No.7555 of 2026

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W.P.(MD).No.7555 of 2026

D.BHARATHA CHAKRAVARTHY, J.

rgm

W.P.(MD).No.7555 of 2026

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