



W.P(MD)No.23811 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.23811 of 2025

Gokuleswaran

..Petitioner

Vs

- 1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Tiruchirappalli.
- 2.The State rep. by
The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli.
- 3.The State rep. by
The Inspector of Police,
K.K.Nager Police Station,
Tiruchirappalli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to issue passport for him by processing petitioner's application in file No.TR2066290806924 dated 22.02.2024 based on the petitioner's representation dated 09.10.2024 within a time limit stipulated by this court.



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For Petitioner : Mr.I.Romeo Roy Alfred

For Respondents : Mr.K.Govindarajan
Dy. Solicitor General of India (for R1)

Mr.S.Prakash
Govt. Advocate (Crl. Side) (for R2 & R3)

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to issue a passport to the petitioner by processing his application dated 22.02.2024, based on his representation dated 09.10.2024.

2. The brief facts leading to the filing of this writ petition are as follows:

The petitioner was born on 09.02.1986 at the Government Hospital, Tiruchirappalli. His parents had come from Sri Lanka along with other refugees and were accommodated in the Sri Lankan Tamils Rehabilitation Camp at Kottapattu, Tiruchirappalli. The petitioner contends that, being born in India, he is an Indian citizen by birth as per Section 3 of the Citizenship Act, 1955, and hence, he applied for a passport on 22.02.2024.



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While awaiting issuance of the passport, he received an objection letter dated 27.02.2024 from the first respondent. Subsequently, by communication dated 01.03.2024, the first respondent informed that an adverse police report had been received from the Commissioner of Police, Tiruchirappalli (second respondent), with the remark “Suspect in Sri Lankan.” The petitioner appeared before the first respondent within the stipulated time and produced the requisite original records along with copies of judicial orders recognizing citizenship by birth. Despite this, the petitioner was again issued a reminder letter dated 11.09.2024, requiring a further response. In compliance, he submitted a detailed representation dated 09.10.2024. Once again, he was summoned by the first respondent on 19.03.2025 to offer an explanation, which also referred to the same adverse police report. As the passport has not been issued till date, he has approached this Court seeking appropriate relief.

3. The first respondent, in the counter affidavit, stated that the petitioner, while applying for the passport, had enclosed his Transfer Certificate, +2 Mark Sheet, Birth Certificate, and Aadhaar Card. However, an adverse police verification report was received from the second respondent, describing the petitioner as “Suspect in Sri Lankan.” It is further contended that the petitioner did not furnish sufficient documents to prove his Indian citizenship by birth. During the enquiry, the petitioner admitted that his



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parents had migrated to India in 1983. Nevertheless, the first respondent verified the petitioner's birth certificate with the Tiruchirappalli City Municipal Corporation, which confirmed that the certificate was true and genuine. Despite this verification, the second respondent reiterated the adverse report, stating that the petitioner's parents are of Sri Lankan nationality, and therefore, the petitioner is ineligible for an Indian passport.

4. The third respondent/Inspector of Police, in his counter, has contended that the petitioner is of Sri Lankan nationality, residing as a refugee in the Sri Lankan Tamil Rehabilitation Camp at Kottapattu, within his jurisdiction. It was also stated that a criminal case is pending against the petitioner.

5. The learned counsel for the petitioner, apart from reiterating the averments in the affidavit, submitted that the petitioner is an Indian citizen by birth under Section 3(1)(a) of the Citizenship Act, 1955. He relied on the decision of this Court reported in **2022 (6) CTC 245 (Nalini vs. Regional Passport Officer)**, wherein the Court held that a person born in India prior to 01.07.1987 is a citizen of India by birth.

6. On the other hand, Mr.K.Govindarajan, learned Deputy Solicitor General of India, submitted that the petitioner's parents are Sri Lankan



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nationals and have not acquired Indian citizenship. However, he fairly conceded that since the petitioner was born prior to 01.07.1987, he would be a citizen of India by birth.

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

8. The petitioner was born on 09.02.1986 at Tiruchirappalli. The first respondent has verified the authenticity of the birth certificate with the competent authority, who confirmed its genuineness. The date of birth is also reflected consistently in the petitioner's SSLC and HSC mark sheets. Under Section 3(1)(a) of the Citizenship Act, 1955, any person born in India on or after 25.01.1950 but before 01.07.1987 is a citizen of India by birth, irrespective of the nationality of the parents. Therefore, since the petitioner was born on 09.02.1986, i.e., prior to the cut-off date, he is an Indian citizen by birth. Once citizenship by birth is established and the genuineness of the documents is verified, the adverse police report referring to his parents' nationality cannot override the statutory right conferred by Section 3(1)(a). Accordingly, the petitioner is entitled to be issued a passport.

9. In view of the above discussion, this Writ Petition is allowed. The first respondent is directed to process and issue the passport to the



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petitioner within a period of eight (8) weeks from the date of receipt of a copy

of this order. No costs.

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NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

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P.T.ASHA, J.

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