



W.P.No.11432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11432 of 2025

E.Gandan

... Petitioner

Vs.

1.Union of India through its Secretary,  
Ministry of Home Affairs,  
Near Pragati Madien,  
New Delhi – 110 001.

2.The Regional Passport Officer,  
Regional Passport Office,  
No.158/785, Royala Towers,  
No.2 & 3, 4<sup>th</sup> Floor,  
Anna Salai, Chennai – 600 002.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 18.12.2024 within a specified time frame and also direct the respondents to issue an Indian Passport based on the petitioner's place of birth, i.e., India, to the petitioner recognising his



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Indian citizenship by birth.

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For Petitioner : Ms.C.A.Sharmila

For R1 and R2 : Mr.K.B.Arul  
Central Govt. Standing Counsel

### **ORDER**

The petitioner seeks a direction to the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 18.12.2024 within a specified time frame and also a direction to the respondents to issue an Indian Passport based on the petitioner's place of birth, i.e., India, to the petitioner, recognising his Indian citizenship by birth.

2.It is the case of the petitioner that his parents were born in Sri Lanka, both hailing from Indian Tamil origin. Due to civil unrest in Sri Lanka in 1984, the petitioner's family fled from Sri Lanka and arrived at Rameshwaram, Tamil Nadu, by boat. The petitioner was born on



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24.04.1985 in Coimbatore, Tamil Nadu, well before the cut-off date of

01.07.1987 for Indian citizenship by birth. The petitioner pursued his primary schooling in Tamil Nadu and thereafter, in 1993, the petitioner's left India temporarily to dispose of the father's property in Sri Lanka. The petitioner's mother applied for a limited-duration Sri Lankan Passport for the petitioner, who was a minor at that time, to facilitate their return to India in 2001. The passport expired in 2006 and the petitioner has not attempted to renew it thereafter. It is the contention of the petitioner that the said passport was obtained solely for the emergency return to India and the petitioner had no knowledge of the application process. After returning to India, the petitioner completed his college education in Tamil Nadu. When the petitioner applied for an Indian passport, the same was rejected by the authorities. Therefore, the petitioner submitted a representation to the 2<sup>nd</sup> respondent on 18.12.2024, providing all necessary documents. Since no action was taken, the petitioner has come forward with the present writ petition.



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3.The main contention of the learned counsel for the petitioner is that, though the petitioner is an Indian citizen by birth, merely because a Sri Lankan Passport was obtained by his parents when the petitioner was a minor and though the same has also expired now, the request of the petitioner for issuance of fresh Indian passport has been negated by the authorities. Now, the petitioner has submitted his representation explaining all the facts and therefore, seeks to consider his representation.

4.Heard the learned Central Government Standing Counsel appearing for the respondents 1 and 2.

5.Since the petitioner has clearly explained the circumstances under which the earlier passport was obtained by his parents and wants to explain the same to the authorities along with necessary documents, let the 2<sup>nd</sup>



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respondent consider the representation of the petitioner dated 18.12.2024,

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and pass appropriate orders on the same on merits, after giving an opportunity of hearing to the petitioner, within a period of one month from the date of receipt of a copy of this order. Admittedly, it is the case of the petitioner that he is an Indian citizen by birth. Such being the case, merely because something has been done by his parents when the petitioner was a minor, that cannot be put against the petitioner. This aspect shall also be taken into consideration by the 2<sup>nd</sup> respondent while passing orders. The petitioner is also permitted to submit a fresh application, if necessary, which shall be considered and disposed of in the light of the above order.

6. With these directions, this writ petition is disposed of. No costs.

**03.12.2025**

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Internet : Yes

Index : Yes

Speaking order : Yes

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Neutral Citation : Yes

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To

- 1.The Secretary,  
Ministry of Home Affairs,  
Near Pragati Madien,  
New Delhi – 110 001.
- 2.The Regional Passport Officer,  
Regional Passport Office,  
No.158/785, Royala Towers,  
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**N. SATHISH KUMAR, J.**

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