

J.Thanuja vs the State Rep. by Its

J.Thanuja vs the State Rep. by Its

SooperKanoon Citation : sooperkanoon.com/1490223

Court : Chennai Orders

Decided On : Jan-27-2026

Judge : Honourable Ms. Justice P.T. Asha

Appeal No. : WP/2277/2025

Appellant : J.Thanuja

Respondent : The State Rep. by Its

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA W.P.No. 2277 of 2025 & W.M.P.No. 220 of 2026 J. Thanuja ...petitioner Vs. The State Rep. by its:-

1. The Principal Secretary, Union Ministry of Home Affairs, India Gate, New Delhi - 110 001.

2. The Foreigners Regional Registration Officer, Bureau of Immigration, Government of India, Shastri Bhavan, Nungambakkam, Chennai - 600 006.

3. The Secretary to Government, Public (Foreigners) Department, Secretariat of Tamilnadu Government, Chennai - 600 009.

4. The Additional Chief Secretary to Government, Department of Youth Welfare and Sports Development, Secretariat of Tamilnadu Government, Chennai - 600 009.

5. The Commissioner, Commissionerate of Rehabilitation and Welfare of Non-Resident Tamils, Ezhilagam, Cheppak, Chennai - 600 005

6. The Passport Officer, Regional Passport Office, Corporation Commercial Complex, 7th Cross Street, West Thillai Nagar, Thiruchirapalli - 620 018.

7. The District Collector, Office of the District Collector, Thiruchirapalli - 620 001.

8. THE PRINCIPAL SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA SOUTH BLOCK, RAISINA HILL, NEW DELHI - 110 001. ...respondents (R8 impleaded vide order of this Court dated 21.07.2025 in WMP.No.5298 of 2025) Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 6th Respondent to issue Indian Passport under the Provision of Section 20 of Indian Passport Act 1967 to the petitioner. For petitioner : Mr. D.Mario Johnson For respondents : Mr. M.Ramamoorthi 1, 2, 6 and 8 Senior Panel Counsel For respondents : Ms. R.L.Karthika 3 to 5 and 7 Government Advocate

ORDER

This writ petition is filed for the following relief: To direct the 6th Respondent to issue Indian Passport under the Provision of Section 20 of Indian Passport Act 1967 to the petitioner.

2. The petitioner is a Sri Lankan Tamil Refugee arrived India

with her parents when she was ten months old infant in the year 2007 as her family was gravely affected by the Civil War in Sri Lanka. They registered themselves as a non camp refugees and settled at Trichy. Due to her rigorous training and hard work in competitive swimming, the petitioner won over 120 gold medals, 50 silver medals and 30 bronze medals as a distinguished swimmer in District, State and national level swimming competitions and was honored with 30 championship trophies.

3. The petitioner would submit that due to lack of travel

documents she could not perform her longstanding ambition to swim across the Palk strait from Dhanushkodi, Tamil Nadu to Talaimannar, Sri Lanka. Therefore, the petitioner made a representation to the respondents on 24.10.2024, seeking Indian Passport. Since there is no response the petitioner is before this Court.

4. The 6th respondent has filed a counter stating that Ministry of

External Affairs have taken a decision not to grant Indian Passport to the petitioner for the following reasons: a)Section 20 of the Passports Act, 1967 is a discretionary provision and the issuance of such a document cannot be claimed as a right. Consequently, the petitioner cannot approach the Honble Court through a writ petition to enforce the provision.

b)It is informed by the MHA that the petitioner is overstaying in India since 2007 and also in possession of Sri Lankan travel document which is valid upto 19.06.2025 (ref:attached OM from MHA). Whereas the Section 20 of the Passports Act 1967 may be invoked for the stateless persons, who are residing in India legally and such request may typically be considered if Government is of the opinion that it is necessary to do so in public interest, not for the purpose of fulfilling the personal ambitions/ wishes. Therefore, any travel document to an illegal immigrant having foreign citizenship under Section 20 of the Passports Act, 1967 to fulfill personal wishes / ambitions, may not be covered under the ambit of Section 20 of the Passports Act, 1967. Further, consideration of any such

request may set a significant legal precedent with far- reaching consequences for Indias immigration policy.

5. Since the same was not communicated to the petitioner, this Court by order dated 08.01.2026 directed the 6th respondent to communicate the same to the petitioner.

6. Pursuant to the orders of this Court dated 08.01.2026, the order

has been communicated to the petitioner by the 6 th respondent vide letter dated 14.01.2026.

7. Considering the above fact, this writ petition is dismissed. It is

well open to the petitioner to challenge the order dated 14.01.2026 in the manner known to law. Consequently, the connected miscellaneous petition is closed. No costs. 27.01.2026 kan To

1. The Principal Secretary, Union Ministry of Home Affairs, India Gate, New Delhi - 110 001.

2. The Foreigners Regional Registration Officer, Bureau of Immigration, Government of India, Shastri Bhavan, Nungambakkam, Chennai - 600 006.

3. The Secretary to Government, Public (Foreigners) Department, Secretariat of Tamilnadu Government, Chennai - 600 009.

4. The Additional Chief Secretary to Government, Department of Youth Welfare and Sports Development, Secretariat of Tamilnadu Government, Chennai - 600 009.

5. The Commissioner, Commissionerate of Rehabilitation and Welfare of Non-Resident Tamils, Ezhilagam, Cheppak, Chennai - 600 005

6. The Passport Officer, Regional Passport Office, Corporation Commercial Complex, 7th Cross Street, West Thillai Nagar, Thiruchirapalli - 620 018. 7.The District Collector, Office of the District Collector, Thiruchirapalli - 620 001. 8.THE

PRINCIPAL SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT
OF INDIA SOUTH BLOCK, RAISINA HILL, NEW DELHI - 110 001. P.T. ASHA, J
kan 27.01.2026

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com