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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-10-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP(MD) No. 25412 of 2026

CNR:{HCMD011241512026}

Case QR

Aarush Shanmugam Gurudev,
S/o.Gurudev,
14/67, Deputy Collector Colony,
Madurai - 625020
Represented through,
N.S.Gurudev Nagaiah Shanmugam,
S/o.Shanmugam,
14/67, Deputy Collector Colony,
Madurai - 625020

..Petitioner(s)

Vs

The Regional Passport Officer
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002

..Respondent(s)

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 process the passport renewal application submitted by the petitioner in Application File No.26-1066950512 dated 03.08.2026 and renew the passport of Aarush Gurudev (Minor) without insisting for application through mother of the minor child within the time period stipulated by this Honble Court and pass such further or other orders as

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this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): M/s S.Anusha

For Respondent(s): G.Ramanathan
CGSC, for R1

ORDER

This petition is instituted on behalf of a minor by his father, N.S. Gurudev Nagaiah Shanmugam. The minor child was born on 23.01.2016. The birth certificate records the name of the father as N.S. Gurudev and that of the mother as G. Raagavi. The place of birth is recorded as the Rainbow Hospital, Swaranapuri, Salem. Passport No. V6071899 was issued to the minor on 05.10.2021 from London. The date of expiry of the said passport is 04.10.2026. After applying for renewal of said passport, the present Writ Petition is instituted.

2. A counter-affidavit has been filed on behalf of the respondent. At paragraphs 4 and 5 thereof, the respondent relies on sub-section (2) of Section 8 of the Citizenship Act, 1955, to contend that the citizenship of the minor ended upon the father ceasing to be a citizen of India under sub-section (1) thereof. It is also stated at paragraph 6 that there is no

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record in the office of the respondent with regard to the legal custody of the minor.

3. Responding to the above contentions, learned counsel for the petitioner submits that the matter is governed by Section 9 and not by Section 8. In particular, the contention is that the minor's father ceased to be a citizen of India by virtue of acquiring the citizenship of the United Kingdom and not by renouncing Indian citizenship. Unlike Section 8, it is contended that Section 9 does not provide that the minor child will *ipso facto* cease to be a citizen of India upon the parent ceasing to be a citizen of India. Reliance is placed on the judgment of the Kerala High Court in ***Chaitanya S. Nair (Minor) v. Union of India***, ***2022 LiveLaw (Ker) 127***.

4. The present case turns on an interpretation of Sections 8 and 9 of the Citizenship Act. The said provisions are set out below.

> "**8. Renunciation of citizenship**.-(1) If any citizen of India of full age and capacity, ***, makes in the prescribed manner a declaration renouncing his Indian Citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

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> Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.
>
> (2) Where [a person] ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India:
>
> Provided that any such child may, within one year after attaining full age, make a declaration [in the prescribed form and manner] that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India."

As can be seen from the text of sub-section (1) of Section 8, said provision is applicable when a person renounces Indian citizenship by making a declaration in the prescribed manner. Said declaration is required to be registered by the prescribed authority thereby resulting in the applicant ceasing to be a citizen of India. Where sub-section (1) applies, sub-section (2) of Section 8 provides that every minor child of the declarant shall cease to be a citizen of India upon the declarant ceasing to be a citizen of India. By contrast, Section 9 deals with a situation where a citizen of India acquires the citizenship of another country by naturalisation, registration or otherwise.

5. In the case at hand, the father of the minor asserts that he became a citizen of the United Kingdom on 07.05.2021. Hence, Section 9 applies to this case, but not Section 8. The acquisition of citizenship

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was after the birth of the child on 23.01.2016. As regards the mother, it is stated that she was a citizen of India both at the time of birth of the child and remains an Indian citizen.

6. Section 3(1) of the Citizenship Act is as under:

> "3. **Citizenship by birth**.-(1) Except as provided in sub-section (2), every person born in India-
>
> (a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;
>
> (b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004) and either of whose parents is a citizen of India at the time of his birth;
>
> (c) on or after the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004), where-
>
> (i) both of his parents are citizens of India; or
>
> (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth."

As can be seen from the language of sub-section (1), the minor became a citizen of India by birth on account of both his parents being citizens of India at the relevant time. In the absence of statutory sanction, the minor cannot be stripped of citizenship merely because his father acquired the citizenship of the United Kingdom in 2021.

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7. In ***Chaitanya S. Nair***, the Kerala High Court compared and contrasted Sections 8 and 9 of the Citizenship Act. In fact, the Court also examined the Citizenship Rules, 2009, with regard to the prescribed procedure for renouncing citizenship. I concur fully with the conclusions drawn therein with regard to the applicability of Section 9.

8. For reasons discussed above, there is no impediment to the processing of the renewal application of the minor from the perspective of the Citizenship Act, 1955. Therefore, this Writ Petition is disposed of by directing the respondent to consider and dispose of the application for renewal of Passport No. V6071899. Such application shall be disposed of within a maximum period of three months from the date of receipt of a copy of this order. If any other documents are required in this connection, the petitioner shall provide such documents to the respondent. There shall be no order as to costs.

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Index: Yes
Speaking order
Neutral Citation: Yes

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To
The Regional Passport Officer
Regional Passport Office,
Madurai Bharathi Ula Veethi,
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