2026:MHC:4303

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 30.09.2026

ORDERS PRONOUNCED ON :26.10.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.37464 of 2026
and
W.M.P.Nos.42064 & 42065 of 2026

John Daniel ... Petitioner

Vs.

1. The Union of India,
   Rep. by its Secretary,
   Ministry of Home Affairs,
   North Block,
   New Delhi – 110 001.

2. The Foreigners Regional Registration
   Officer-cum-Civil Authority,
   Bureau of Immigration,
   Ministry of Home Affairs,
   Government of India,
   Chennai.

3. The Deputy Secretary (OCI),
   Foreigners Division,
   Ministry of Home Affairs,
   MDCNS,
   New Delhi. ... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari, calling for the records relating to the order bearing Office Memo No.06/FRRO/CHN/OCI/2026-817 dated 04.09.2026 passed by the second respondent under Section 7(D)(da) & (e) of the Citizenship Act, 1955, cancelling the petitioner's OCI registration bearing No.A1741866, and quash the same and consequently direct the respondents to restore / revive the petitioner's OCI registration bearing OCI.No.A1741866 and permit the petitioner to enjoy the privileges attached to the said OCI registration in accordance with law.

For Petitioner : Mr.R.Shanmuga Sundaram
Senior Counsel
Assisted by Ms.A.G.Shakeenaa
for Mr.R.Vinayaga Vishnu

For Respondents : Dr.S.Padma
Senior Panel Counsel

O R D E R

This writ petition is filed seeking a writ of certiorari, calling for the records relating to the impugned order dated 04.09.2026, passed under Section 7D(da)&(e) of the Citizenship Act, 1955 (hereinafter the Act), cancelling the petitioner's OCI registration bearing No. A1741866, and consequently to direct the respondents to restore the petitioner's OCI registration and permit him to enjoy the privileges attached to the said registration in accordance with law.

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2. Upon hearing the learned Senior Counsel appearing on behalf of the petitioner and perusing the material records of the case, the petitioner's case is that he is a citizen of the United States of America and was granted registration as an Overseas Citizen of India pursuant to his application bearing F.No.INDC00038N15. The registration was granted on 06.02.2015. The petitioner has deep familial, cultural and personal ties with India. He visits India primarily for personal and family-related purposes. His mother is about 92 years old, and his sister, Lydia Margaret Daniel, reside at No.9B, Nungambakkam High Road, Chennai – 600 034. The petitioner's paternal relatives include his cousin, Caleb Graham Daniel, residing at No.6, Thirumoorthy Nagar Main Road, Nungambakkam, Chennai – 600 034; his cousin, Annie Joseph Daniel, residing at 2nd Floor, Apartments, Mehidhipatnam, Hyderabad and his uncle, Priyanand Chary, residing at Flat No.FF1, 4th Floor, Sri Raghu Apartment, Municipal Employees Colony, Vijayawada. His maternal relatives include his aunt, Fuschie Jesudas, residing at No.156, Syrian Kandoth Colony, Coimbatore; his cousin, Myrtle Raja, residing at Vandana Apartments, Shenoy Nagar, Chennai; his aunt, Dr.Jemmima Philip Baskar, residing in Jamnagar, Gujarat; and another aunt, Lizze Ganapragasam, residing in Salem, Tamil Nadu. The graves of the petitioner's father, the late Joshua Daniel, who died on 18.10.2014; his paternal

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grandfather, the late Nagabathula Daniel, who died on 18.12.1963; and other relatives are located in the Madras Cemeteries Board Trust Christian Cemetery, Kilpauk Garden Road, Chennai. The petitioner meets his family members, pays his respects to his elders at the cemetery, visits his mother, and preserves close familial bonds. In particular, he has been visiting India to meet, support, and attend to the needs of his aged mother as a dutiful son. The petitioner also pursued his schooling in Ooty. Thus, a significant part of his early life was spent in India.

3. The petitioner states that he has not violated any law governing OCI cardholders. He denied the allegations of missionary activities and religious conversions in his explanation to the show cause notice dated 08.09.2025. In his reply to the show cause notice, he further stated that he was not holding any office in the Laymen's Evangelical Fellowship International (LEFI). The respondents have failed to identify with precision the dates on which the petitioner allegedly undertook missionary activity in India; the places where such activity was allegedly undertaken; the persons alleged to have been converted by him; the specific acts alleged to constitute conversion; the material evidence establishing that he personally compelled or procured any

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conversion; the specific statutory provision allegedly violated by each act; and the specific material relied upon to establish each alleged violation.

4. The petitioner contends that, although it is alleged that he brainwashed persons in interior villages, there is no evidence disclosing even the identity of a single person. Further, the impugned order uses the word 'cult', which causes grave prejudice to the petitioner. The respondents' sole contention is that the notification dated 04.03.2021, bearing S.O.1050(E), makes prior permission mandatory for missionary activities. Even assuming that such permission was required, it is for the respondents to establish, through cogent material, that the petitioner undertook such activities in India. In fact, the respondents have subsequently issued a direction requiring the petitioner to obtain permission on or before 03.02.2025. The petitioner contends that this would itself establish that he has not committed any violation. The impugned order has been passed without affording a real and effective opportunity contemplated under Section 7D of the Citizenship Act, 1955.

5. When the writ petition came up for hearing, *Mr.R.Shanmuga Sundaram*, learned Senior Counsel for the petitioner was pressing for interim

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relief. The learned Senior Panel Counsel for the respondents was requested to take notice and place on record the instructions in that regard.

6. Despite two opportunities having already been granted and the matter having been adjourned, the learned Senior Panel Counsel for the respondents submitted that the draft counter affidavit had been sent to the respondents for their consideration and signature, but the counter affidavit had not yet been filed. Since this Court had granted repeated adjournments, it directed the learned Senior Panel Counsel for the respondents to argue the matter. She placed a typedset of papers on record and advanced her arguments.

7. *Mr.R.Shanmuga Sundaram,* learned Senior Counsel appearing on behalf of the petitioner, took this Court through the show cause notice and the petitioner's reply. He would submit that, although a general allegation was made that the petitioner indulged in missionary activities, the materials relied upon by the respondents, which have now been produced before this Court, were never supplied to the petitioner to enable him to effectively contest the allegations or to avail himself of the opportunity of hearing.

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8. The learned Senior Counsel would rely on the Delhi High Court judgment in ***Ashok Swain v. Union of India and Others (2025 SCC OnLine Del 2012),*** more specifically, he would rely on paragraphs Nos.29 to 31 of the judgment to contend that the opportunity afforded should be effective and real, and that all documents should have been specifically furnished to the petitioner, with specific incidents of missionary activities identified.

9. Per contra, *Dr.S.Padma*, the learned Senior Panel Counsel appearing on behalf of the respondents, placed on record a set of materials gathered by the respondents. It is stated that the petitioner, even in America, is a missionary attached to an organisation, namely, the Laymen's Evangelical Fellowship. Material downloaded from the internet, showing the petitioner sharing the 'Word of God' at these meetings, has been produced before this Court. A copy of a poster bearing the words 'Good News for All', advertising speeches and messages to be delivered by the petitioner at LEF Church, Chinnavaram Tota, Tenali, Andhra Pradesh, on 15th, 16th and 17th January 2017, has been produced. The poster includes the petitioner's photograph and the mobile number of the person organising the meetings.

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10. Materials relating to religious meetings held from 14th to 16th January 2018 in the State of Andhra Pradesh has also been produced. Repeated complaints, received on various dates and alleging that the petitioner was coming to India solely for missionary activities, have been produced. Material relating to a series of religious meetings held from 15.01.2019 to 20.01.2019 at LEF Grounds, Stuartpuram Village, Andra Pradesh, has also been produced. The respondents have relied on various internet materials relating to the missionary activities undertaken by the petitioner. The Sunday service messages of the Laymen's Evangelical Fellowship International describe the petitioner as leading a large number of missionaries and Christian workers across the globe. They state that God has used him in revival ministry in many congregations and describe him as a man of prayer who believes that God will abundantly bless those who seek the Lord with an honest and open heart. The dates and timings of various service meetings are mentioned. The annual retreats and other activities undertaken by him are also mentioned. Placing all the above materials on record, the learned Senior Panel Counsel for the respondents would contend that no relief can be granted to the petitioner, as he has violated the provisions of the Act.

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11. I have considered the rival submissions on both sides and perused the material records of the case.

12. Section 7-A of the Act provides that the Central Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in that behalf, register any person as an Overseas Citizen of India Cardholder. There is no dispute regarding the petitioner's eligibility, as his parents are stated to be of Indian origin and, since he was born in America, he was treated and chose to be an American Citizen. Accordingly, the registration was rightly granted to the petitioner.

13. Section 7-D of the Act deals with the cancellation of registration. It empowers the Government to cancel the registration if the cardholder has violated any provisions of the Act or of any other law for time being in force, as may be specified by the Central Government in the notification published in the Official Gazette. Thus, it can be seen that the Central Government registers OCI cardholders subject to such conditions, and confers rights on them in exercise of its power under Section 7-B of the Citizenship Act, 1955.

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14. While issuing S.O.1050(E) under Section 7B of the Act and granting the privilege of a multiple-entry lifelong visa for visiting India for any purpose, a provision has been made requiring special permission or a special permit from the competent authority, the Foreigners Regional Registration Officer, or the Indian Mission concerned, to undertake any missionary, public, mountaineering, or journalistic activities. Thus, if the petitioner carries on missionary activities without permission, the same violates Section 7B of the Act, and the registration accordingly becomes liable to be cancelled under Section 7D(da) of the Act.

15. A show cause notice was issued on 08.09.2025, stating that the petitioner was engaged in missionary activity in India without special permission and was misusing his OCI card to conduct religious activities in India. It was further alleged that he was encouraging Christian conversions through his evangelical activities in South India. It was specifically stated that he was visiting India to preach and deliver religious lectures. During his visits, he was alleged to have undertaken a series of prayers and to have preached in the interior villages of Andhra Pradesh and Tamil Nadu, where the people were not sufficiently literate, allegedly brainwashing them and subsequently converting them to Christianity. It was further alleged that the petitioner led an

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organisation, namely, the Laymen's Evangelical Fellowship International, which functioned like a cult, with devotion to the Daniel family being mandatory. Upon finding that he had not obtained special permission, the show cause notice was issued.

16. The petitioner submitted a reply on 20.09.2025 categorically stating that he had never been involved in missionary activities in India and had neither engaged in nor promoted conversion, as alleged. He further denied holding any position in the Laymen's Evangelical Fellowship and denied that LEF was a cult. He reiterated that he had visited India only to call on his ailing mother, family and friends. Although he had, at some point, erroneously applied for an Indian passport, he had withdrawn the application after receiving proper advice.

17. After considering the aforementioned explanation, the impugned order was passed, confirming the proposal, rejecting the petitioner's explanation, and cancelling his OCI registration.

18. There can be no contrary claim if the petitioner violates any provision of law, including S.O.1050(E) issued by the Central Government in

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exercise of its power under Section 7B of the Act that his OCI registration is liable to be cancelled. If the petitioner preaches and undertakes activities to spread the word of 'God', such activities would fall within the meaning of missionary activity. Therefore, he ought to have obtained special permission in that regard. He has not obtained such permission. Therefore, considering the nature of the allegations made against the petitioner, the cancellation stands justified.

19. The further contention of the learned Senior Counsel for the petitioner is that the impugned order has been passed in violation of the principles of natural justice. It is true that the Delhi High Court in ***Ashok Swain (cited supra)***, has held that the documents and all materials gathered should be furnished and that the party should be afforded an effective and real opportunity. The principles of natural justice are not a straight-jacket formula, and their application depends on the facts of each case. If the petitioner had disputed any particular incident or activity, and if the respondents relied on only one or two incidents, the said ratio could be followed and applied in the instant case. The respondents could then be directed to furnish the documents collected against the petitioner, and he could be given an opportunity to deny each and every incident.

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20. However, it is evident that the petitioner is a professional missionary who spreads the word of 'God' in relation to his religion. The stand taken by him in his reply to the show cause notice and before this Court is not disputing of any particular incident(s) or activity, but a wholesale denial. He categorically asserts in his reply to the show cause notice and in his affidavit that he visits India only to visit his mother and relatives.

21. On the contrary, substantial materials have been produced against the petitioner, indicating that he has consistently been addressing congregations, gatherings and meetings at various places in Tamil Nadu and Andhra Pradesh and that advertisements have been issued inviting the general public to attend his meetings. Those materials cannot be regarded by this Court as fabricated or concocted. It is one thing to contend that the petitioner is not involved in conversion and is only spreading the message of 'God'. However, it is not only for conversion, but even to be a missionary preaching his religion, it is only a prior permission that is mandated. The petitioner has made a categorical and sweeping statement before this Court that he has never been involved in any missionary activities in India and has visited India only to see his mother, family and friends, which, on its face is a lie. The remedy under Article 226 of the Constitution of India is an equitable remedy and cannot be

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extended in the face of the petitioner's blatant, bald denial and the materials placed on record before this Court.

22. In view thereof, I am unable to accept the contention of the learned Senior Counsel appearing on behalf of the petitioner that a further detailed opportunity needs to be afforded to the petitioner. Accordingly, the petitioner's prayer cannot be countenanced.

23. However, the petitioner will be free to apply for a regular visa to visit his mother. For conduct of his meetings and religious purposes, he can carry out his activities in India only upon being granted the requisite official permission. With the aforesaid observations, the prayer in the writ petition cannot be countenanced, and the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.10.2026

vji

Neutral citation : Yes

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To

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2. The Foreigners Regional Registration
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Order QR

D.BHARATHA CHAKRAVARTHY, J.

vji

Pre-Delivery Order made in

W.P.No.37464 of 2026
and
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26.10.2026

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