

GLT. 62

15, 1962

IN THE PRIVY COUNCIL

No. 62 of 1960

ON APPEAL
FROM THE SUPREME COURT OF THE ISLAND OF CEYLON

B E T W E E N :

NALLA KARUMBURU KAYAMBU SHANNUGAM
(Applicant)
Appellant

- and -

THE COMMISSIONER FOR THE REGISTRATION
OF INDIAN AND PAKISTANI RESIDENTS
Respondent

R E C O R D O F P R O C E E D I N G S

UNIVERSITY OF LONDON
INSTITUTE OF ADVANCED
LEGAL STUDIES
29 MAR 1963
25 RUSSELL SQUARE
LONDON, W.C.1.

68164

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London, S.W.1.
Solicitors & Agents for the
Appellant.

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Artillery Row,
London, S.W.1.
Solicitors & Agents for the
Respondent.

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ON APPEAL
FROM THE SUPREME COURT OF THE ISLAND OF CEYLON

B E T W E E N :

MAELA KARUMBURU KAYAMBU SHANMUGAM
(Applicant) Appellant

- and -

THE COMMISSIONER FOR THE REGISTRATION
OF INDIAN AND PAKISTANI RESIDENTS
Respondent

10

RECORD OF PROCEEDINGS

No. 1

No. 1

APPLICATION FOR REGISTRATION

Form 1D

Application for
Registration.

District: Kandy.
Application No. 7813
Registered under No.

10th July, 1951.

THE INDIAN AND PAKISTANI RESIDENTS (CITIZENSHIP)
ACT, No. 3 of 1949

20

Application, under section 4(1) of the Act, for
registration as a citizen of Ceylon by a
married male whose marriage has not been dis-
solved by death or divorce prior to the date
of the application.

NOTE:- (1) The application shall, as required by
section 7(1)(b) of the Act, be supported by an
affidavit of the applicant as to the facts and
particulars set out in the application and be
transmitted or delivered to the Commissioner for
the Registration of Indian and Pakistani Residents.

30

(2) The applicant may, at any time before
the disposal of the application, submit to the
Commissioner affidavits of other persons who have
direct knowledge of any facts or particulars set

No. 1
 Application for
 Registration.
 10th July, 1951
 - continued.

out in the application or the names of any such persons or certified copies of any documents on which the applicant relies for proof of anything set out in the application. If the applicant wishes to attach any such affidavits or certified copies of documents to the application, he may do so, marking such affidavits and copies and referring to them in the relevant paragraphs of the application. The applicant may also annex to the application a list of persons on whose evidence he relies, noting thereon the matters which are within the knowledge of each such person. 10

(3) The applicant shall write his signature on the application in ink. If the applicant cannot write his signature, the applicant shall affix his left thumb impression in ink on such part of the application as is provided for the applicant's signature.

(4) The signature or the left thumb impression of the applicant shall be written or affixed by him on the application in the presence of, and be attested by two witnesses. 20

(5) Where the applicant has a wife not living apart from him in accordance with a duly executed deed of separation or a decree of separation pronounced by a competent court, or any legitimate minor child or children born to him and ordinarily resident in Ceylon and dependent on him, or any minor child or children borne by his wife prior to her marriage with him and ordinarily resident in Ceylon and dependent on him, he is advised, if he desires to procure the registration of the wife or such child or children simultaneously with his registration, to set out the required particulars in paragraph 15 of, and in the Schedule to, the application. Instead of including in the application a request for the registration of the wife or such child or children, the applicant may, by a subsequent letter sent to the Commissioner at any time before the disposal of the application, request that the wife or such child or each such child be registered as a citizen of Ceylon. Such letter shall contain the aforesaid particulars. 30 40

(6) In the Act, "Indian or Pakistani resident" means a person -

(a) whose origin was in any territory which, immediately prior to the passing of the

Indian Independence Act, 1947, of the Parliament of the United Kingdom, formed part of British India or any Indian State and

No. 1

Application for
Registration.

10th July, 1951

- continued.

(b) who has emigrated therefrom and permanently settled in Ceylon,

and includes a descendent of any such person.

10 (7) For the purposes of the Act, the continuity of residence of an Indian or Pakistani in Ceylon is, notwithstanding his casual absence from Ceylon, deemed to have been uninterrupted if such absence did not on any one occasion exceed twelve months in duration.

I, I. N. K. K. Shanmugam in the exercise of the privilege conferred by section 4(1) of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, do hereby apply to the Commissioner for the Registration of Indian and Pakistani Residents, for registration as a citizen of Ceylon.

20 II. I request that, simultaneously with myself, each person mentioned in paragraph 15 of this application be registered as a citizen of Ceylon.

III. I am an Indian/a Pakistani resident.

IV. I am a married male whose marriage has not been dissolved by death or divorce.

V. I have been continuously resident in Ceylon during the period of seven years commencing, on January 1, 1939, and ending on December 31, 1945.

30 VI. I have been continuously resident in Ceylon from January 1, 1946, to the date of this application.

VII. I declare that I am free from any disability or incapacity which may render it difficult or impossible for me to live in Ceylon according to the law of Ceylon.

I understand clearly that, in the event of my being registered as a citizen of Ceylon -

(a) I shall be deemed in law to have renounced

No. 1
Application for
Registration.
10th July, 1951
- continued.

all rights to the civil and political status which I have had, or would, but for registration as a citizen of Ceylon, have had, under any law in force in the territory from which I/my father/ancestor emigrated; and

(b) in all matters relating to or connected with statutes, personal rights and duties and property in Ceylon, I shall be subject to the laws of Ceylon.

10

VIII. The necessary particulars are set out below.

Sgd. N.K.K. Shanmugan (In
Tamil)
Signature of Applicant.
10.7.51.

Witness :-

1. Signature: H. Prematilleke.

Name, occupation and address:- Ayurvedic
Physician and Town Council Member.
Ward No.4.
No. 31, Pussellawa.
10th July, 1951.

20

2. Signature: Dharmadasa.

Name, occupation and address: No. 109
Pussellawa.
Town Council Member. Ward No.8.
10th July, 1951.

13th July 1951

Particulars

1. Full Name: N. K. K. Shanmugan.
2. Full Address: No.37, Nuwara Eliya Road,
Pussellawa. (D.R.O. Division:
Gampola)
3. Age: 34
Date of birth (if between 18 and 25 years
of age): -
4. Place of birth: Nagaram, Pattukottai Taluk,
Tanjore District, South
India.

30

5. Date of Marriage: 16.3.1944.

No. 1

6. The places of residence of the applicant in Ceylon from January 1, 1939, to the date of this application, and the period of residence at each such place are stated in the Schedule to this application.

Application for
Registration.

13th July 1951

- continued.

7. Full name of applicant's wife: Jayalakshimi.

10 8. The places of residence of the Applicant's wife in Ceylon from January 1, 1939 or from the date of marriage with the applicant whichever is the later date, to the date of this application, and the period of residence at each such place are stated in the Schedule to this application.

9. Full names and dates of birth of all such legitimate minor children born to the applicant as are ordinarily resident in Ceylon and dependent on him :-

	<u>Names</u>	<u>Dates of Birth</u>
20	S. Karuppiah	8. 7. 1945
	S. Karunanithi	2.11. 1947
	S. Pathmanathan	30. 9. 1949
	S. Godandapani	4. 7. 1951

10. Full names and dates of birth of all such minor children borne by the wife of the applicant prior to her marriage with him as are ordinarily resident in Ceylon and dependent on him:-

<u>Names</u>	<u>Dates of Birth</u>
-Nil-	-Nil-

30 11. The places of residence in Ceylon of each minor mentioned in paragraph 9 and 10 above from January 1, 1939 or from the date of birth, whichever is the later date, to the date of this application, and the period of residence at each such place are stated in the Schedule to this application.

No. 1
 Application for
 Registration.
 13th July 1951
 - continued.

12. Names, addresses and relationship to the applicant of all such persons not mentioned in paragraphs 7, 9 and 10 above, as are dependent on him :-

<u>Names</u>	<u>Address</u>	<u>Relationship</u>
-Nil-	-Nil-	-Nil-

13. If the applicant has a business or employment claimed by him to be sufficient to support the applicant and dependants, if any, the description of the business or employment :

10

14. Other sources of income derived whether by the applicant alone or by the applicant and any dependants which can be applied for support of the applicant and dependants, if any :-

<u>Name of Person deriving Income</u>	<u>Source of Income</u>	<u>Income per Mensem</u>
N.K.K.Shanmugan	Manage & Attorney to N.K.K.Pandian, 37, Muwara Eliya Road, Pussellawa.	Rs. Cts. 150. 00

20

15. Names of persons from among those mentioned in paragraphs 7, 9 and 10 above, whose registration as citizen of Ceylon is desired by the applicant simultaneously with his registration.

Names

S. Jayalakshini

S. Karuppiyah (1)

S. Karunanithi (2)

S. Pathmanathan (3)

S. Godandapani (4)

30

S. Kasevan - 13. 3. 53 (5)

S. Haridas - 20. 7. 54 (6)

SCHEDULE

(See paragraphs 6, 8 and 11 above)

(Any place at which the applicant or his wife or a minor child has resided for less than three months need not be mentioned)

Applicant		Applicant's wife		Minor children mentioned in paragraphs 9 and 10 of the application		
Places of residence in Ceylon from January 1, 1939, to the date of the application.	Approximate period of residence at each place in Ceylon	Places of residence in Ceylon from January 1, 1939 or from the date of marriage, whichever is the later date, to the date of the application.	Approximate period of residence at each place of residence in Ceylon	Names of each of the aforesaid children	Places of residence of aforesaid children in Ceylon from January 1, 1939, or from the date of birth, whichever is the later date, to the date of the application.	Approximate period of residence of each of the aforesaid children in Ceylon
No. 9 Puppurasa Bazaar	January 1, 1939 to November 1945	No. 9 Puppurasa Bazaar	1944 to 1945	S. Karuppiah S. Karunanithi S. Pathmanathan S. Godandapani	No. 37 Nuwara Eliya Road, Pussellawa.	From 1945
	November 1945 to up to now.		1945 to 1951			From 1947
No. 37 Nuwara Eliya Road, Pussellawa	November 1945 to up to now.	No. 37 Nuwara Eliya Road, Pussellawa				New born baby 4.7.1951.

No. 1

AFFIDAVITApplication for
Registration.(To be completed by the applicant in support of the
application)

13th July 1951

- continued.

I do Swear
solemnly, sincerely and truly declare and affirm
that the foregoing particulars stated in this appli-
cation are true, and I make this statement con-
scientiously believing the same to be true.

Sgd. N.K.K. Shunmugan (In Tamil)

Signature of Applicant

13. 7. 51.

Affirmed at Pussellawa this 13th day of July 1951.

10

Before me:-

Mohandiram H.J.P. Samarasekera, J.P.
Name of Justice of the Peace.

Sgd. H.J.P. Samarasekera, J.P.

Signature of Justice of the
Peace.

13. 7. 51.

I, N.K.K. Shunmugam of 37 Nuwara Eliya Road,
Pussellawa, not being a Christian do hereby
solemnly, sincerely and truly declare and affirm
that I was married to Jayalakshimi on or about
16.3.1944 according to the Hindu rites at Thenparai
in South India and that the undermentioned children
were born to us on or about the dates mentioned
against their names :-

20

<u>Name of Child</u>	<u>Date of birth</u>	<u>Place of Birth</u>
S. Karuppiyah	8. 7.45	Thenparai
S. Karunanithi	2.11.47	Thenparai
S.Pathmanathan	30.9.49	Pussellawa Hospital
S.Godandapani	4. 7.51	Pussellawa Hospital

30

Sgd. N.K.K. Shunmugam
13.7.51.

Declared and affirmed at Pussellawa this 13th
day of July, 1951.

Before me ~~Mohandiram~~ Mohandiram H.J.P. Samarasekera, J.P.

Sgd. H.J.P. Samarasekera, J.P.

Justice of the Peace.

13.7.1951.

40

No. 2a.

LETTER, APPELLANT to COMMISSIONER

(50) N.K.K. Shanmugam.

N. K. K. PAEDIYAN,
Licensed Pawn Broker, Cloth and Brassware
Merchant.

37, Nuwara Eliya Road,
PUSSELLAWA,
20th April, 1953.

No. 2a.

Letter,
Appellant to
Commissioner.

20th April,
1953.

10 The Commissioner for Registration of Indian
and Pakistani Residents in Ceylon.
Colombo.

Dear Sir,

Serial No. L.7813

As I intend going to India on a Pilgrimage
shortly please let me know the position of appli-
cation submitted to you on 15/8/51.

20 Further I wish to state that I am blessed
with a son at Pussellawa Hospital on 13/3/53 and
shall be much pleased if you will include him also
for Ceylon Citizenship.

My son's name is Shanmugam Kesavan.

Thanking you,

Yours faithfully,

Sgd. N.K.K. Shanmugam (in Tamil)

No. 2b.

No. 2b.

Letter, Deputy
Commissioner
to Appellant.

LETTER, DEPUTY COMMISSIONER to APPELLANT

(51)

My No. L.7813.

30th May 1953.

Office of the Commissioner for the
Registration of Indian and
Pakistani Residents, P.O. Box.587,
Colombo.

30th May, 1953.

Sir,

Registration under Act No. 3 of 1949

10

With reference to your letter dated 20.4.53, I
have the honour to request you to forward the Birth
Certificate of your infant son.

I am, Sir,
Your Obedient Servant,

Intld.
Deputy Commissioner.

Mr. N.K.K. Shanmugam,
37, Nuwara Eliya Road,
Pussellawa.

20

No. 2c.

No. 2c.

Telegram,
Appellant to
Commissioner.
3rd June, 1953.

TELEGRAM, APPELLANT to COMMISSIONER

No. 1774

CEYLON TELEGRAPHS.

TELEGRAM. (Reply paid)

Colombo 3 Ju 53
Telegraphs. Commissioner for the Registration
of Indian and Pakistani Residents,
2nd Floor, Gafoor Building.

O NF PUSSELLAWA 22 =

REQUIRED IMMEDIATELY EVIDENCE OF APPLICATION FOR
CITIZENSHIP TAKE ACTION L.7813 WIRE REPLY =
N K K SHANMUGAM.

30

11.

No. 2d.

LETTER, COMMISSIONER to APPELLANT

My No. L.7813

Office of the Commissioner for the
Registration of Indian and Pakistani
Residents, P.O. Box 587, Colombo.

4th June, 1953.

Sir,

Registration under Act No. 3 of 1949.

10 I have the honour to confirm the following
telegram sent to you to-day.

"Application will be investigated in its
turn".

I am, Sir,
Your Obedient Servant,

(Sgd.)
for Commissioner.

20 Mr. N.K.K. Shanmugan,
37, Nuwara Eliya Road,
Pussellawa.

No. 3

QUESTIONNAIRE RELATING TO PERMANENT SETTLEMENT

L.7813

QUESTIONNAIRE RELATING TO PERMANENT SETTLEMENT

What immovable property do you, your wife and
minor children own -

(a) In India, Pakistan and elsewhere:

NIL.

30 (b) In Ceylon: I have an asset of Rs.10,000/= which I have given out on interest by means of pro-note.

No. 2d.

Letter,
Commissioner to
Appellant.

4th June, 1953.

No. 3

Questionnaire
relating to
permanent
settlement.

3rd August,
1953.

No. 3
Questionnaire
relating to
permanent
settlement.

3rd August,
1953

- continued.

2. What business or shares in companies registered in India or Pakistan or elsewhere other than Ceylon do you or your wife or minor children own, and what was the income from them in the last year or other period for which accounts have been prepared ?

NIL.

3. What visits have you, your wife and minor children paid to India and Pakistan since January 1, 1936/ January 1, 1939, and what was the duration and purpose of each visit ?

10

I have visited India on 6 occasions. 1939-1944 I have been to India on two occasions. I can't remember dates and I didn't stay for more than three months.

1944 - I went alone to get married.

1945 - I took my family from Ceylon to India
(1 month)

1946 - I went to bring my family to Ceylon
(1 month)

1947 - I took my family from Ceylon to India
(1½ months)

20

1948 - I went alone to bring my family to
Ceylon
(1 month)

1951 - I went alone and stayed about a month
for my sister's marriage.

Sgd. N.K.K. Shunnugan (In Tamil)
Signature of Applicant.

Date: 3.8.53.

No. 3a.

School
Attendance
Certificate.

4th August,
1953.

No. 3a.

SCHOOL ATTENDANCE CERTIFICATE

30

HOLY TRINITY SCHOOL

B.H.C. Mendis
Principal.

Pussellawa,
4th August, 1953.

This is to certify that S. Karuppiah has been a pupil of this school from 19.1.50 to date. His admission No. is 1796 and date of admission was 19th January, 1950. He is studying in this school at present and he is in standard two Tamil.

Sgd. B.H.C. Mendis.

No. 4

INVESTIGATOR'S NOTE

No. 4

Investigator's
Note.

L.7813

Nalla Karunu Buru

Kayambo

Shanmugan

25th September,
1953.

37 years.

Married in 16.3.1944.

Affidavit produced.

ResidenceApplicant

- 10 1939 to)
1945) Resident at Pupuressa.
- 1942 Signature on Deed 184. Attested by
T. Sinnappa, on 5. 1. 42.
- 1943 Baggage receipt and Post Card.
- 1944 3 copies of two letters to be produced.

Ledger kept by N.K. Kayambo Pandaiaram dated 1936
and continued during period ending 1940 shows
expenses inward and money credited.

For February 1939

20 For February 1940

February 1941

January 1942

January 1943 one entry of Rs.500/=

July 1943 credits and debits

February 1944 his own ledger.

Cash

September 1944 N.K. K.B.L. & Bros.

November 1945 Money debited for
money order sent.

No. 4 Investigator's Note. 25th September, 1953 - continued.	1946) to) 1951)	Pussellawa No. 37.	
	1946) 1947) 1948) 1949) 1950)	2/ and 9/ 2 persons Customs receipt. One 5/2 Registration of fine dated 10/5/50	
	1951) 9/10/50)	Rent receipt. Passport No. A.112855	10

Ledger Books available for this period.
For entire period except September 44 to
November 45.
Documents attached 1 - 11.

Means:

Ledger account audited shows Rs.100/-
being credited for a month as Manager of
Textile business.

Wife:

Jayalakshini daughter of Manchipandaram
Not related within prohibited degrees.
16.3.44 Married.
16.3.45
Certificate of landlord 12A & B.
47 To be produced - 14
1948 - 1949 - 1950 Vide 15 & 16.

4.8.53

Ledger Account of Applicant) in his father's shop as) Manager at Pupuressa)	Available from prior to 1.1.39. No entry in January 1939. First entry in 1939 is in February. Entry immediately prior to February 1939 is in October 1938. Hence test checks are carried out as follows:-	30
--	---	----

October 1938 - Nature of entry indicates
applicant's presence in Ceylon.

No. 4

February 1939 -do-

Investigator's
Note.

January 1940 -do-

25th September,
1953

November 1940 -do-

- continued.

October 1941 -do-

September 1942 -do-

15th November 1942 -do-

10

Thereafter the Pupuressa shop was closed and applicant says that he was living in Pupuressa collecting the outstanding debts and depositing the money with his brother N.K.K.Pandian & Brothers, Pussellawa.

Ledger Account of Applicant)
in N.K.K. Pandian & Brothers)

July 1943 - Applicant has deposited Rs.193.50
on 6.7.43.

12th May 1944 - Applicant has taken Rs.71.30.

20

Ledger Account of)
N.K.K.Palainasamy &)
Brothers, Pupuressa)

5th September 1944 - Entry shows that applicant had proceeded to India with Rs.2/9³ worth of garments

There is no documentary evidence re residence of applicant from 6.9.44 - 14.11.45.

Ledger account of applicant)
in N.K.K.Pandian's Shop,)
Pussellawa)

30

15th November 1945 - Entry indicates applicant's presence in Ceylon

October 1946 -do-

September 1947 -do-

August 1948 -do-

July 1949 -do-

June 1950 -do-

May 1951 -do-

July 1951 -do-

No. 4

Remittances:

Investigator's
Note.25th September,
1953

- continued.

Applicant has remitted money to India on normal occasions according to his ledger account.

Sgd:- S.I.O. Kandy.

(1) Karuppiah 37.45.

3 Years School Vide 8A.
From 19.1.50 to 4.8.53.

(2) Karunanithi 2.11.47.

Jayalakshimi.

10

(3) Pathmanathan Vide B.C. 6 (30.9.49)

(4) Godandapani Vide B.C. 7 (4.7.51)

(5) Keshavan born after application.
Vide B.C.8.

Sgd.

3/8/53.

Supplementary

Applicant declares his wife was brought to Ceylon in later part of 1945 Vide 12A & B and states the delay was due to the special circumstances created by the war.

20

For period 16.9.44 - 1.11.45 marked with asterisk on Page 17 of my report and mentioned on reverse of page 18 (S10's report) Applicant declares.

1. That he did not proceed to India as per entry on 5/9/44 and that he went later. The entry mentioned on S10 report mentions that money was sent to India.

30

2. Applicant produces a Pawn broker's register of articles accepted in pawn and redeemed. This he declares is kept in his handwriting. He shows two entries dated

(a) December 1944

(b) November 1944

Sgd.

.....
25/9/53.

Application No. L 7813

No. 4

Form No. INO/8.

Investigator's
Note.25th September,
1953

- continued.

Note on evidence furnished at Investigation

	Whether furnished	Reference to papers in file
--	----------------------	--------------------------------

- | | | | |
|-------|---|-----|-------------|
| 1.(a) | That applicant is
an Indian or
Pakistani Resident | Yes | Presumed |
| 10 | 2. That the applicant
has been continuously
resident, | Yes | P.17,18,19. |

(Seal)

Commissioner of Indian
and Pakistani Residents
26 September 1953.

- | | | | |
|----|---|---------------------------------------|---------------|
| 20 | (3) That, where the appli-
cant is a married male,
his wife and dependant
minor children have
been ordinarily resi-
dent | Yes | -do- |
| | (4) That the applicant is
possessed of an
assured income, &c. | Yes.
Monthly
Income
Rs.100/- | P.17/reverse. |

The applicant is not under legal disability in
that there appears no evidence to the contrary.

Sgd.

Investigating Officer.
25/9/53.

No. 5

No. 5

Notice of
refusal of
Application.
4th June 1954.

NOTICE OF REFUSAL OF APPLICATION

Registered Post

My No.L.7813

THE INDIAN AND PAKISTANI RESIDENTS
(CITIZENSHIP) ACT, No.3 of 1949

NOTICE UNDER SECTION 9(1) OF THE ACT.

To: Mr. N.K.K. Shunmugam,
No.37, Nuwara Eliya Road, Pussellawa.

I, ARTHUR PERCY SPENCE DE SILVA
WIKKRAMATILLEKE Deputy Commissioner for the regis- 10
tration of Indian and Pakistani Residents, do
hereby give you notice, under section 9(1) of the
Indian and Pakistani Residents (Citizenship) Act,
No.3 of 1949, that I have decided to refuse your
application under that Act dated 13th July, 1951
on the grounds specified in the Schedule hereto
unless you show cause to the contrary within a
period of three months from the date hereof by
letter addressed to me.

Intld. 20

Deputy Commissioner for the
Registration of Indian and
Pakistani Residents.

31/3, Malabar Street,
Gampola.

SCHEDULE

You have failed to prove:

- (1) that you were resident in Ceylon during the 30
period 6th September 1944 to 14th November
1945 without absence exceeding 12 months on
any single occasion.
- (2) that your wife and dependent minor children
were resident in Ceylon during the periods
specified below without absence exceeding 12
months on any single occasion.

Wife from 16th March 1945 to 12th November
1946 and from 26th November 1946 to 1st April
1948.

(1) Child Karuppiyah from first anniversary of date of birth to 18.1.50.

No. 5

(2) Child Karunanithi from first anniversary of date of birth to 13.7.51.

Notice of refusal of Application.

(5) that you had permanently settled in Ceylon; the contrary is indicated by the fact that in seeking to remit money abroad, you declared yourself to be temporarily resident in Ceylon.

4th June 1954

- continued.

10

Intld.
Deputy Commissioner.

No. 6a.

LETTER, APPELLANT to DEPUTY COMMISSIONER

No. 6a.

N.K.K. Shanmugam
c/o N.K.K. Pandiyan
Licensed Pawn Broker, Cloth and Brassware Merchant,
37, Nuwara Eliya Road,
RUSSELLIWA. 14th July, 1954.

Letter,
Appellant to
Deputy
Commissioner.
14th July 1954.

20

The Deputy Commissioner,
R.I. & P.R.
Gampola.

Your No. L.7813.

Dear Sir,

Reference your notice No.L.7813 dated 4.6.54, asking me to show cause why my application for Citizenship should not be rejected, reference points 1 and 2 noted in the schedule therein. Ledgers are not available for the periods and I am prepared to prove residence orally.

30

Reference point 3 I did not on any occasion declare myself temporarily resident in remitting moneys abroad.

I therefore ask you an inquiry to prove points 1 and 2 noted above and to disprove point 3.

I shall thank you for the favour of an early inquiry.

Yours faithfully,

Sgd. N.K.K. Shanmugam.

No. 6b.

Letter, Deputy
Commissioner
to Appellant.
23rd July 1954.

No. 6b.

LETTER, DEPUTY COMMISSIONER to APPELLANT

My No. L.7813

Office of the Deputy Commissioner for
the Registration of Indian & Pakistani
Residents, 81/3, Malabar Street,
Gampola. 23rd July, 1954.

Sir,

Registration under Act No. 3 of 1949

I have the honour to refer to my Notice under
Section 9 (1) of the above Act and your reply
thereto dated 14/7/54. The evidence adduced by
you is not conclusive. An inquiry will, therefore,
be held under section 9 (3) (a), and you will be
informed of the time and place of inquiry in due
course.

10

I am, Sir,
Your obedient servant,

Intld.

Deputy Commissioner.

20

Mr. N.K.K. Shannugam,
No.37, Nuwara Eliya Road,
Pussellawa.

No. 6c.

Letter,
Appellant to
Deputy
Commissioner.
17th November,
1954.

No. 6c.

LETTER, APPELLANT to DEPUTY COMMISSIONER.

N.K.K. PANDIYAN
Licensed Pawn Broker & Cloth Merchant,
37, Nuwara Eliya Road,
PUSSELLAWA, 17.11.1954.

The Deputy Commissioner,
R.I. & P.R.
Gampola.

30

Application for Citizenship

Your No.L.7813

Sir,

Reference your notice dated 4.6.54 and letter
dated 23.7.54 I shall be grateful if an inquiry be
held early.

Thanking you, I am, Sir,
Yours faithfully,
Sgd. N.K.K. Shannugam.

40

No. 6d.

No. 6d.

LETTER, COMMISSIONER to DEPUTY COMMISSIONER

No. L/7813.

P.O. Box 587, Colombo.

28th November, 1955.

Letter,
Commissioner to
Deputy
Commissioner
Gampola.28th November
1955.Deputy Commissioner;
Gampola.

10 Reference your letter No. L/7813 dated
25.11.55, you should contact the Deputy Commission-
er Mr. Udalagama before you deal with this case.

Deputy Commissioner Mr. Udalagama states that
the applicant had made an admission to him when he
was Investigating Officer.

Sgd. H.E. Tennekoon,
Commissioner F.I. & P.R.

Sgd.
for Assistant Commissioner.

No. 6e.

No. 6e.

LETTER, APPELLANT to DEPUTY COMMISSIONER

20 H.K.K. SHANMUGAM,
c/o H.K.K. PANDIAN,
Licensed Pawn Broker & Cloth Merchant,
No. 37, Nuwara Eliya Road,
PUSSELLAWA.

Letter,
Appellant to
Deputy
Commissioner.
20th February
1956.

To, 20th February, 1956.
The Deputy Commissioner for the Registration
of Indian & Pakistani Residents;
Hill Street,
Gampola.

30 Sir,

L-7813

I have the honour to inform you that I am in-
tending to go to India and return on some urgent
business, as such I shall thank you to kindly issue
me a certificate to the effect that my inquiry re-
garding my Ceylon Citizenship application mentioned
above is not being completed.

40 I am, Sir,
Your obedient servant,
Sgd. N.K.K. Shanmugam (in Tamil)

No. 6f.

Letter, Deputy
Commissioner to
the Controller
of Immigration
and Emigration.

21st February,
1956.

No. 6f.

LETTER, DEPUTY COMMISSIONER to the CONTROLLER
of IMMIGRATION AND EMIGRATION

My No. L.7813

Office of the Commissioner for the
Registration of Indian & Pakistani
Residents.
Gampola. 21st February, 1956.

The Controller of Immigration
and Emigration,
Colombo.

10

Registration under Act No.3 of 1949

The application of Mr. N.K.K. Shunmugam, of
No.37 Nuwara Eliya Road, Pussellawa, has applied
for registration under the above Act is still
under consideration.

This letter is issued at the request of the
applicant.

Intld.

Deputy Commissioner.

20

Name and address as given in the application:-

(1) Applicant: Mr. N.K.K. Shunmugam,
No. 37, Nuwara Eliya Road,
Pussellawa.

(2) Wife:- Jayalakshimi,

(3) Children:-

1. S. Karupiah.
2. S. Karinanithi.
3. S. Pathmanathan
4. S. Godandapani.
5. S. Kesaven.
6. S. Haridas.

30

Intld.
Deputy Commissioner (adm)

No. 6g.

No. 6g.

LETTER, DEPUTY COMMISSIONER to APPELLANT

Registered

My No. L.7813

Letter, Deputy
Commissioner to
Appellant.

Department for the Registration of
Indian and Pakistani Residents,
Gampola.

25th June 1956.

25th June, 1956.

Sir,

10 I have the honour to inform you that I have
fixed your application for registration as a
citizen of Ceylon under Act No. 3 of 1949, for
inquiry under Section 9 (3) (a) at Rest House,
Pussellawa on 31st July, 1956.

20 2. You should attend at 9.00 a.m. with such
documents and witnesses as you rely on to prove
that you have complied with the requirements
stated overleaf. In general, no certificates
issued after December 31, 1948, will be received
in evidence unless the signatories are present for
examination on oath or affirmation.

3. If you desire summons on any witness, you
should apply to me for the same within a week from
today furnishing the name and address in full of
such person. In issuing any summons, I shall in-
dicate that the witness need attend only if his
expenses are paid to him direct by you.

4. If you fail to attend the inquiry at the
appointed date and time without excuse, your appli-
cation is liable to be refused.

30

I am, Sir,
Your obedient servant,

Sgd.

Deputy Commissioner.

Mr. H.K.K. Shunmugam,
No. 37, Nuwara Eliya Road,
Pussellawa.

No. 6g.

You are required to prove:-

Letter, Deputy
Commissioner to
Appellant.

25th June 1956

- continued.

- (1) that you were resident in Ceylon during the period 6th September 1944 to 14th November 1945, without absence exceeding 12 months on any single occasion.
- (2) that your wife and dependent minor children were resident in Ceylon during the periods specified below without absence exceeding 12 months on any single occasion.

Wife from 16th March 1945 to 12th November 1946 and from 26th November 1946 to 1st April, 1948.

10

i. Child Karuppiyah from 1st anniversary of date of birth to 18.1.1950.

ii. Child Karunanithi from 1st anniversary of date of birth to 13.7.1951.

- (3) that you had permanently settled in Ceylon: the contrary is indicated by the fact that in seeking to remit money abroad, you declared yourself to be temporarily resident in Ceylon.

20

Rubber stamp seal of W.E.M. Abeysekera.
Deputy Commissioner.

No. 6h.

Letter,
Appellant to
Deputy
Commissioner.

30th June 1956.

No. 6h.

LETTER, APPELLANT to DEPUTY COMMISSIONER

Registered

N.K.K. SHANMUGAM,
c/o N.K.K. Panadian,
Licensed Pawn Broker & Cloth Merchant,
No. 37, Nuwara Eliya Road,
PUSSELLAWA. 30.6.1956.

30

To,
The Deputy Commissioner,
Department for the Registration of
Indian and Pakistani Residents,
Gampola.

Sir,

Received your letter L.7813 dated 25th June 1956 and noted the contents therein. I am herewith

sending you the address of the witnesses and you may kindly send the summons to them.

No. 6h.

Letter,
Appellant to
Deputy
Commissioner,
30th June 1956
- continued.

1. L.H. Mendis Appu,
163, Nuwara Eliya Road, Pussellawa.
2. M.R. Masman,
27, Nuwara Eliya Road, Pussellawa.
3. G.P.H. Mallis Silva,
36, Nuwara Eliya Road, Pussellawa.
4. Kavraj W.H. Jeyathunge,
Gampaha Dispensary, Pussellawa.
5. B.P. Ariathasa,
Puvakvaththai,
Weligama.

10

I am, Sir,
Your obediently,

(Sgd. N.K.K. Shanmugam (in Tamil)).

No. 7

No. 7

SUMMONS on L.G. MENDIS APPU

Summons on
L.G. Mendis
Appu.

Registered Post No. L.7813.

7th July 1956.

20 THE INDIAN AND PAKISTANI RESIDENTS (CITIZENSHIP)
ACT, No. 3 of 1949

SUMMONS TO ATTEND

To: Mr. L.G. Mendis Appu,
163, Nuwara Eliya Road,
Pussellawa.

30

Whereas it has been made to appear to me that you are in a position to give material evidence relating to an application made by Mr. N. K. K. Shanmugam, No. 37, Nuwara Eliya Road, Pussellawa, for registration as a citizen of Ceylon under the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, you are hereby required in terms of the powers vested in me by Section 14(3) of the

No. 7

Summons on
L.G. Mendis
Appu.
7th July 1956
- continued.

Act, to appear before me at Rest House, Pussellawa on 31st July 1956 at 9.00 a.m. and to give evidence on the grounds stated overleaf:-

Note: Expenses in connection with your attendance at the inquiry are payable to you direct by the applicant.

Rubber stamp seal of
W.E.M. Abeysekera.
Deputy Commissioner for the
Registration of Indian and
Pakistani Residents.

10

Intld. O.A.

7th July, 1956.

Requirements referred to :-

- (1) whether he was resident in Ceylon during the period 6th September 1944 to 14th November 1945, without absence exceeding 12 months on any single occasion.
- (2) whether his wife and dependent minor children were resident in Ceylon during the periods specified below without absence exceeding 12 months on any single occasion:-

20

wife from 16th March 1945 to 12th November 1946 & from 26th November 1946 to 1st April 1948.

i. Child Karuppiah from 1st anniversary of date of birth to 13.1.1950.

ii. Child Karumanithi from 1st anniversary of date of birth to 13.7.1951.

- (3) whether he had permanently settled in Ceylon: the contrary is indicated by the fact that in seeking to remit money abroad, he declared himself to be temporarily resident in Ceylon.

30

Rubber stamp seal of W.E.M. Abeysekera,
Deputy Commissioner.

(Summons in identical terms directed to the other Witnesses specified in Appellant's letter of 30th June 1956).

No. 8

INQUIRY PROCEEDINGS before DEPUTY COMMISSIONER
ABEYSEKERA

(a) DEPUTY COMMISSIONER'S OPENING NOTES

Before Mr. W.E.M. Abeysekera, Deputy Commissioner
 R.I. & P.R., Gampola.

No. of Application: L.7813

Place: Rest House, Pussellawa.

Date: 31st July 1956

10 Name of Applicant: N.K.K. Shanmugam.

Represented by: Mr. J.I.Rajaratnam, Proctor,
 Gampola.

Ready:

Issues read and explained from notice dated:
 25th June, 1956.

(b) EVIDENCE of N.K.K. SHANMUGAM.

N.K.K.SHANMUGAM, 40 years, Pawn Broker and Cloth
 Merchant, Pussellawa - Affirmed.

Examined:

20 I was resident at Pupuressa in September 1944.
 In October 1945 I shifted to No.37 Nuwara Eliya
 Road, Pussellawa. In February 1944 I went to India
 and stayed there for 5 months. I went to India on
 that occasion to get married. Then I went to India
 in October 1944 and returned in February 1945. It
 was in 1945 that I brought my wife to Ceylon. In
 1945 I went to India in May or June. I went to
 India in May or June 1945 and brought my wife and
 1st child Karuppiyah to Ceylon in October 1945. In
 30 November 1945 I was at No. 37, Nuwara Eliya Road,
 Pussellawa. I am producing marked P1 a bill sent
 by Hemachand dated 6th March 1944. I also produce
 a document marked P2 a certificate issued by
 Sampamoorthy & Company dated 2nd December 1950 in
 which I refer particularly to entry from 1st Feb-
 ruary 1943 to 31st January, 1945 during which time

No. 8

Inquiry
 Proceedings
 before Deputy
 Commissioner
 Abeysekera.

31st July 1956.

(a) Deputy
 Commissioner's
 Opening Notes.

Appellant's
 Evidence

(b) Evidence of
 N.K.K. Shanmugam

No. 8

Inquiry
Proceedings
before Deputy
Commissioner
Abeysekera.

Appellant's
Evidence

(b) Evidence of
N.K.K.Shanmugam.
- continued.

ledger accounts, have been maintained in my name in the books of my brother N.K.K.Pandiyan of Pussellawa. I also produce a certificate marked P3 - issued to me by the District Revenue Officer on 1.6.53. I also produce marked P4 power of attorney given to me to manage the business at No. 37, Nuwara Eliya Road, Pussellawa. I produce also a ledger maintained at the boutique of my uncle N.K.K. Sabapathy Pupuressa according to which on page 23 there is an entry which I mark as P5, Page 23 showing that I bought arricunut in Ceylon and sent them to my mother who was in India. I refer to these entry on 5th September 1944. Thereafter I point to entry in the ledger on page 77 marked P6. Wherein it is stated that I brought along with me on returning from India a sum of Rs.1000/- which I borrowed as loan from my mother. This entry is dated 25th October 1945.

10

I have witnesses Mendis Appu, Hasanam, Mallias Silva, Kavidas and Jayatunga who have known me over a considerable period at Pupuressa and Pussellawa.

20

I also produce house rent receipts for premises at 37, Nuwara Eliya Road, Pussellawa for the year 1944 - marked P7(a) - P7(i) and P8(a) - P8(m) for the year 1945. These are receipts issued by the Landlord of 37, Nuwara Eliya Road, Pussellawa, or his manager. These receipts have been in my custody since they were issued. As from September 1944 to November 1945 I have not been out of Ceylon for a period of over 1 year.

30

I first came to Ceylon in 1933. I have been in Ceylon for the last 23 years.

My wife arrived in Ceylon for the first time in October 1945. After her arrival in Ceylon in 1945 she went to India in October 1947. She went for her 2nd confinement in respect of Karunanithy. I returned to Ceylon leaving her and brought her in May or June 1948. I do not have the Birth Certificates of Karuppiah and Karunanithy because they were born in India. My witnesses know my wife and children very well. I point to an entry at page 20 of ledger of N.K.K. Pandiyan according to which my wife has sent Rs.10/55 to her mother on 31st May 1946 - marked P9. I point to another entry on page 110 according to which I have

40

bought medicine for "My child" on 27th December 1946 - marked P.10. I point to another entry on page 110 of the ledger according to which I have bought 2 sarees on 1st March 1947 which I say was for my wife - (Marked P.11)

It is 2 p.m., now I postpone this inquiry on request for 17/8/56 at Pussellawa Rest House at 9 a.m.

Sgd. W.E.M. Abeysekera.

31/7/56.

10

No. 8

Inquiry Proceedings before Deputy Commissioner Abeysekera.

Appellant's Evidence

(b) Evidence of N.K.K.Shanmugam - continued.

No. 9

DECLARATION OF APPELLANT

I, N.K.K. SHANMUGAM of No.37, Nuwara Eliya Road, Pussellawa, do solemnly, sincerely and truly affirm and declare as follows :-

No. 9

Declaration of Appellant.

14th August 1956.

1. That I am the father of Karunanithi born on 2nd November 1947. This child was born in India.

2. That the said child is also called Jayapragasam and his Rice Ration Book bears this name.

20 3. That both the said names "Karunanithi" and "Jayapragasam" refer to one and the same person and are identical with one another.

The foregoing affidavit having been duly read over and explained by me to the affirmant in the Tamil language with which language I am well conversant he wrote his signature thereto appearing to understand the contents thereof and he affirmed to the truth and correctness thereof at Pussellawa on this 14th day of August 1956.

Sgd. (illegible) on Re.1/- stamp.

30

Before me V.J. RAJIAH.

Sgd. (illegible)
Commissioner of Oaths
(Kandy District)
PUSSSELLAWA.
15/8/56.

No. 10

Inquiry
Proceedings
before Deputy
Commissioner
Abeysekera

31st August
1956.

(a) Deputy
Commissioner's
Notes.

No. 10

INQUIRY PROCEEDINGS before DEPUTY COMMISSIONER
ABEYSEKERA

(a) DEPUTY COMMISSIONER'S NOTES.

Branch Office, Gampola.

31st August 1956.

Case No. L.7813.

Before: Mr. W.E.M. Abeysekera, Deputy
Commissioner.

Applicant: Mr. N.K.K. Shunmugam present. 10
Represented by Mr. A.J.Rajaratnam, Proctor,
S.C.

Mr. Rajaratnam moves for a date on personal grounds. Applicant has no objection for a date to be given, but desires that the evidence of Mr. B.P. Ariyadasa who has come from Weligama to be recorded today. Mr. Rajaratnam states that he has not finished the examination of the applicant and states further that he would require some time to finish the examination. Mr. Rajaratnam states that he has some unavoidable personal engagement at Colombo and requests me to record the evidence of Mr. B.P. Ariyadasa. I allow Mr. Rajaratnam's request. 20

Appellant's
Evidence

(b) EVIDENCE of B.P. ARIYADASA.

(b) Evidence of
B.P. Ariyadasa.

BUTHALA PATABANDIGE ARIYADASA: 35 years, trader,
Wiligama. Affirmed states:-

I came to Pussellawa in 1941 for the first time. On coming to Pussellawa I became the Manager of Gunawardana Bakery. I know applicant's brother L.K.K. Pandiyan. He was running - a boutique at No.37, Nuwara Eliya Road, Pussellawa. No. 37 belongs to L.L. Gunawardhana who was my proprietor. I know the applicant from 1941 from the time I came to Pussellawa. In 1941 applicant was residing at Pupuressa. Applicant used to visit Pussellawa very often, to his brother's boutique. I state 30

that receipts P7A to P7I and P8A to P8M were issued by Mr. Gunawardhana. Some receipts were issued by me and some were by Mr. Gunawardhana and one by Mr. Mendis Silva. I am acquainted with the signatures of Mr. Gunawardhana and Mr. Mendis Silva. From 1941 to 1953 I knew the applicant intimately. I know his wife but I am unable to mention the name of the wife and the child. Applicant used to go to India but returned within a month or two. Pandian, applicant's brother left for India somewhere in 1944 or 1945. Thereafter I collected the rents from the applicant.

To me.

Shown receipts P7A to P7J and P8A to P8M.

Q. Are these receipts signed by you?

A. Yes P7I was signed by me. Mr. Gunawardana was my employer. The signature on P8D is the signature of Mr. L.H. Mendis Silva. Mendis Silva was also employed by Mr. Gunawardana. On some occasions he used to issue receipts and on some occasions I used to issue receipts. I was the manager in regard to Mr. Gunawardana's business and I used to collect rents from various boutiques belonging to Mr. Gunawardana. Applicant never stayed in India for more than one or two months on any occasion he left for India. When I first came to know the applicant he was married.

Re-examined. I am producing house rent receipts P12A to P12W and in these receipts except for 3 receipts my signature appears. Premises No. 37 was occupied by a person called Mariappillai. Premises No. 37 and 38 are in the same building. In 1945 October or November there was a dispute and I settled this dispute.

To me.

Q. What was the dispute?

A. The two premises had only one upstairs and the major part of the upstairs was in possession of the applicant. There was a complaint that some watery substance had fallen from the upstairs to the body of Mariapillai who was sleeping downstairs and it was told by Mariapillai that the applicant's son used to urinate from upstairs, and there was a dispute about this. This dispute was settled by me.

Sgd. W.E.M. Abeysekera.
Deputy Commissioner.

No. 10

Inquiry
Proceedings
before Deputy
Commissioner
Abeysekera.

31st August,
1956

Appellant's
Evidence

(b) Evidence of
B.P.Ariyadasa.

- continued.

No. 11

Letter,
Appellant to
Deputy
Commissioner.
7th January
1957.

No. 11

LETTER, APPELLANT TO DEPUTY COMMISSIONER

N.K.K. SHANMUGAM
c/o N.K.K. Pandiyan
Licensed Pawn Broker and Cloth Merchant,
37, Nuwara Eliya Road,
PUSSELLAWA, 7th January, 1957.

The Deputy Commissioner
for the Registration of
Indian and Pakistani Residents,
Gampola.

10

Sir,

No. L.7813

I wish to go over to India on an urgent matter
before the 20th of this month and shall return
within three months and therefore shall thank you
to forward me an application form to apply for
permit to cross over.

Thanking you

Yours faithfully,

20

Sgd. N.K.K. Shanmugam (in Tamil)

By Hand

Intld.
7/1/57.

Issue. Let him also sign a letter stating
that he takes the P.C. on the understanding
that he will make arrangements to be present
for the inquiry when it is refixed in due
course and that if he is absent his applica-
tion will be refused. Validity for 3 months.

30

Sgd. W.E.M. Abeysekera.
8/1/57.

No. 12

No. 12

APPLICATION by APPELLANT for IDENTITY CERTIFICATECode Letter & No. L.7813 of
Application for Citizenship.Application by
Appellant for
Identity
Certificate.9th January,
1957.DEPARTMENT OF IMMIGRATION AND EMIGRATIONAPPLICATION FOR IDENTITY CERTIFICATE

1. Name in full NAILA KARUMBURU KAYAMBU SHANMUGAM
(Block capitals - Underline Surname)
- 10 2. If a married woman,)
give maiden name) -
3. Address in Ceylon No. 37, N'Eliya Road,
Pussellawa.
4. Address in country) Nagaramvillage A Post
of origin) Tanjore Dt. S. India.
5. Present Nationality Ceylonese.
6. Nationality at birth Indian.
7. Occupation and) Power of Attorney of N.K.K.
monthly income) Pandiyan & Nallamuthu & Co.
Rs.200/- per month.
- 20 8. Sex: Male
9. Date of birth 12th Dec. 1917
10. Place of birth Nagaram.
11. Height 5' (ft.) 4½" (ins.)
12. Colour of hair Black.
13. Any distinguish-) A scar forehead.
ing marks)
14. Name and place of) Wayambu, Nagaram.
birth of father)
- 30 15. Have you applied)
for registration as) Yes.
a Citizen of Ceylon)

No. 12
 Application by
 Appellant for
 Identity
 Certificate.
 9th January,
 1957
 - continued.

16. If you have, please)
 quote departmental)
 reference number) Application No. L.7813.
 assigned to your)
 application by)
 Registering Authority)
17. Civil Status: Single/Married/
18. Particulars of own unmarried children, if any,
 under 16 years (males under 14) accompanying
 applicant -

10

No.	Name in Full	Sex	Date of Birth	Place of Birth	Whether included in your citizenship application.
1.	S.KARUPPIAH	Male	8.7.45	India	Yes.
2.	S.KARUNANIDI alias JAYAPRAGASAM	M	2.11.47	India	-do-
3.	S.PADMANATHAN	M	30.9.49	Ceylon	-do-
4.	S.GODHANDAPANI	M	4.7.51	-do-	-do-
5.	S.KESAWAN	M	22.5.53	-do-	-do-
6.	S.HARIDAS	M	20.7.54	-do-	-do-

20

19. Period of residence)
 in Ceylon.) From the year 1933-1944
 at Pupure
 -do- 1945 up to
 today at Pussellawa.
20. Countries for which)
 Identity Certificate) India only.
 is required)
21. Why National Pass-)
 port cannot be) My Application for
 obtained.) Ceylon Citizenship is
 pending.

30

22. If you are employed on
 an agricultural (tea or
 rubber) plantation in
 Ceulon, please give -
- (a) Name of Plantation -
 - (b) District -
 - (c) Nearest Post Office -
 - (d) Nearest Police Station
 - (e) Name of Superintendent
 - (f) His Postal Address -

No. 12

Application by
 Appellant for
 Identity
 Certificate.

9th January,
 1957

- continued.

10

DECLARATION.

I solemnly declare that -

- (i) the two copies of photograph (size 2 $\frac{3}{4}$ " by 2"), annexed herewith, one of which is certified on its reverse by the person recommending this application, as the photograph of N.K.K. Shanmugam, (name of applicant) are recent photographs of myself;
 - 20 (ii) I do not hold any travel document, previously issued to me by any passport issuing authority, that travel document No.A.112855 issued by High Commissioner for India in Ceulon on Colombo 1st May, 1950, to me is herewith surrendered by me to you on 9th January 1957.
 - (iii) I have made no applications for a travel document to any passport issuing authority since the surrender of the document referred to above, apart from the one I now
 30 make.
 - (iv) The information given by me in this application is to the best of my knowledge and belief, correct in every respect;
- and that -
- (v) I will notify the Controller of Immigration and Emigration, Colombo, immediately -
 - (a) of any change in my address, occupation or other information regarding me,
 40 furnished herein; and
 - (b) my application to be registered as a citizen of Ceulon is finalized by the Registering Authority, be it allowed or disallowed.

Sgd. (illegible)

on Rs.2/- stamp.

Signature of Applicant.

Date 9.1.1957.

50 (Applicants are warned that should any statements contained in this application prove to be untrue, they will render themselves liable to prosecution)

No. 12

CERTIFICATE REGARDING APPLICANT

Application by
Appellant for
Identity
Certificate.

9th January,
1957

- continued.

I, VEDAMANICAM JESURAN RAJIAH, hereby declare that the applicant NAILA KARUMBURU KAYAMBU SHANMUGAM whom I have known personally for a period of 15 years of PUSSELLAWA is from my personal knowledge a fit and proper person to receive an Identity Certificate. I hereby vouch for his identity and to the best of my knowledge and belief to the accuracy of the statements and declarations made by him on this application.

10

(IN THE CASE OF ILLITERATE APPLICANTS:)

I further declare that the left-thumb impression appearing above and on page 4 of this application, are those of the applicant and that they have been affixed in my presence

Signature.

Date 9th January 1957.

Sgd. (illegible)
Signature.
COMMISSIONER OF OATHS.
(KANDY DISTRICT)
PUSSELLAWA.

20

Title or Profession.

Postal Address: V.J. Rajiah,
Commissioner of Oaths,
(Kandy District)
Pussellawa.

Specimen signature
of Applicant

Sgd. (illegible)

30

No. 13

APPLICATION by APPELLANT'S WIFE for IDENTITY
CERTIFICATE

Code Letter & No. L.7813 of
Application for Citizenship.

DEPARTMENT OF IMMIGRATION AND EMIGRATION

APPLICATION FOR IDENTITY CERTIFICATE

No. 13

Application by
Appellant's
Wife for
Identity
Certificate.

9th January,
1957.

- 10 1. Name in full SHANMUGAM JAYALAKSHMI
(Block capitals - Underline
Surname)
2. If a married woman,) JAYALAKSHMI
give maiden name)
3. Address in Ceylon No.37, N'Eliya Road
Pussellawa.
4. Address in country of origin Nagaram Village & Post
Tanjore Dt. S. India.
5. Present Nationality Ceylonese
6. Nationality at birth Indian.
- 20 7. Occupation and) House wife
monthly income) Monthly income Rs.40/-
8. Sex: Female.
9. Date of Birth 27th March 1929
10. Place of birth South Thenpirai.
11. Height 5' (ft.) 1" (ins.)
12. Colour of hair Black
13. Any distinguishing) A small scar on the
marks.) nose.
- 30 14. Name and place of) Manika Pandaram,
birth of father) South Thenpirai.
15. Have you applied for)
registration as a) Yes.
Citizen of Ceylon)

No. 13
 Application by
 Appellant's
 Wife for
 Identity
 Certificate.
 9th January,
 1957
 - continued.

16. If you have, please
 quote departmental
 reference number
 assigned to your
 application by
 Registering Authority) No. L.7813
17. Civil Status: Single/Married.
18. Particulars of own unmarried children, if any,
 under 16 years (males under 14) accompanying
 applicant -

10

No.	Name in Full	Sex	Date of Birth	Place of Birth	Whether included in your citizenship application
-----	--------------	-----	---------------	----------------	--

NIL.

19. Period of residence) From the year 1945 to
 in Ceylon (give full) 1957 (living with the
 particulars) Husband) 20
20. Countries for which)
 Identity Certificate) India only.
 is required)
21. Why National Pass-)
 port cannot be) Ceylon Citizenship
 obtained) Application pending.
22. If you are employed)
 on an agricultural)
 (tea or rubber) plan-)
 tation in Ceylon,)
 please give -) 30
- (a) Name of Plantation -)
 (b) District -)
 (c) Nearest Post Office -)
 (d) Nearest Police Station -)
 (e) Name of Superintendent -)
 (f) His Postal Address -)

DECLARATION.

No. 13

I solemnly declare that -

Application by
Appellant's
Wife for
Identity
Certificate.
9th January,
1957

- continued.

- 10 (i) that two copies of photograph (size 2 $\frac{3}{4}$ " x 2"), annexed herewith, one of which is certified on its reverse by the person recommending this application, as the photograph of S. JAYALAKSHI, are recent photographs of myself;
- (ii) I do not hold any travel document, previously issued to me by any passport issuing authority, that travel document No.150908 issued by High Commissioner for India in Ceylon Colombo on 10th March 1953, to me is herewith surrendered by me to you on 9th January 1957.
- 20 (iii) I have made no applications for a travel document to any passport issuing authority since the surrender of the document referred to above, apart from the one I now make.
- (iv) The information given by me in this application is to the best of my knowledge and belief, correct in every respect;
- and that -
- (v) I will notify the Controller of Immigration and Emigration, Colombo, immediately -
- (a) of any change in my Address, occupation or other information regarding me, furnished herein; and
- 30 (b) my application to be registered as a citizen of Ceylon is finalized by the Registering Authority, be it allowed or disallowed.

Sgd. (In Tamil)
on Rs.2/- stamp.
Signature of Applicant.

Date 9-1-1957.

40 (Applicants are warned that should any statements contained in this application prove to be untrue, they will render themselves liable to prosecution).

No. 13

CERTIFICATE REGARDING APPLICANT

Application by
Appellant's
Wife for
Identity
Certificate.

9th January,
1957

- continued.

I, VEDAMANICAM JESURAN RAJIAH, hereby declare that the applicant SHAMNUGAM JAYALAKSEMI whom I have known personally for a period of about 10 years PUSSELLAWA is from my personal knowledge a fit and proper person to receive an Identity Certificate. I hereby vouch for her identity and to the best of my knowledge and belief to the accuracy of the statements and declaration made by him on this application.

10

(IN THE CASE OF ILLITERATE APPLICANTS:-

I further declare that the left-thumb impressions, appearing above and on page 4 of this application, are those of the applicant and that they have been affixed in my presence.

Signature. Sgd. (illegible)
Signature
COMMISSIONER OF OATHS
(KANDY DISTRICT)
PUSSELLAWA.

20

Title or Profession.

Date 9th January 1957.

Postal Address: V.J.Rajiah.
Commissioner of Oaths
(Kandy District)
Pussellawa.

Note (B) - Applications for Identity Certificates from those who have applied for registration as citizens of Ceylon should be accompanied by a certificate from the Registering Authority that such application is receiving consideration and that it has not been finalized up to the date of this application.

30



No. 14(a)

LETTER, DEPUTY COMMISSIONER to CONTROLLER OF
IMMIGRATION & EMIGRATION

My No. I.7813.

Office of the Commissioner for the
Registration of Indian & Pakistani
Residents.

16th January 1957.

10 The Controller of Immigration
and Emigration,
Colombo.

Registration under Act No.3 of 1949

The application of Mr. N.K.K. Shunmugam of
No.37 Nuwara Eliya Road, Pussellawa has applied
for registration under the above Act is still
under consideration, and is part heard.

This letter is issued at the request of the
applicant.

20 Sgd. (illegible)
Deputy Commissioner.

Name and address as given in the application:-

(1) Applicant:- Mr. N.K.K.Shunmugam, No. 37,
Nuwara Eliya Road, Pussellawa.

(2) Wife:- Jayalakshimi

(3) Children:-

1. S.Karuppiah
2. S.Karunanithi
3. S.Pathmanathan
4. S.Godandapani
5. S. Kesaven
6. S.Haridas.

30

Sgd. (illegible)
Deputy Commissioner.

Pass-ports bearing numbers
A.112855 of Mr. N.K.Kariyambu Shanmugam &
150908 of Mrs.S.Jayalakshmi are handed over
to the applicant to-day.

Sgd. (illegible)

No. 14(a)

Letter, Deputy
Commissioner to
Controller of
Immigration and
Emigration.

16th January,
1957.

No. 14(b)

No. 14(b)

Letter,
Appellant to
Deputy
Commissioner.

LETTER, APPELLANT TO DEPUTY COMMISSIONER

Already fixed for inquiry on 10.5.57 at Police
Station Pussellawa.

B. 10.5.57.

17th April
1957.

N.K.K. PANDIAN
Licenced Pawn Broker & Cloth Merchant
No.37, Nuwara-Eliya Road,
PUSSELLAWA.

17-4-1957.

10

The Deputy Commissioner,
R.I. & P.R.,
Gampola.

Sir,

Your No. L.7813

I beg to inform you that my family and I have
returned from India, and I shall thank you to hold
an Inquiry into my application at Pussellawa Town,
as my witnesses will not be able to attend Inquiry
at Gampola.

20

Thanking you,
Yours obediently

Sgd. (illegible)
N.K.K. Shanmugam.

Envelop

R PUSSELLAWA
1070

Registered.

From
N.K.K. Shanmugam
No. 37
Pussellawa.

The Deputy Commissioner,
R.I. & P.R.
Hill Street,
Gampola.

No. 14(c)

No. 14(c)

LETTER, DEPUTY COMMISSIONER to APPELLANTRegd.

If you reply please quote my
No. L/7813/"E"

Office of the Deputy Commissioner
for the Registration of Indian &
Pakistani Residents, Gampola.

23rd April, 1957.

Letter, Deputy
Commissioner
to Appellant.

23rd April,
1957.

Sir,

10

Registration under Act No. 3 of 1949

I hereby give you notice that the inquiry under Section 9(3)a of the Act fixed for 31st August 1956 and duly postponed is refixed for inquiry for 10th May 1957 at 9.30 a.m. at the Police Station, Pussellawa.

You are required to attend the inquiry with all necessary documents and witnesses. You should produce the birth certificates of your minor children at the inquiry.

20

I am, Sir,

Your obedient Servant,

Sgd. (Illegible)

Deputy Commissioner.

Mr. N.K.K. Shunmugam,
No.37 Nuwara Eliya Road,
Pussellawa.

No. 15

No. 15

Inquiry
Proceedings
before Deputy
Commissioner
Fernando.

INQUIRY PROCEEDINGS before DEPUTY COMMISSIONER
FERNANDO

7813

Police Station,
Pussellawa.

10th May 1957.

10.5.57.

(a) Deputy
Commissioner's
Opening Notes.

Applicant Mr. N.K.K. Shanmugam present - he is
represented by Mr. J.I. Rajaratnam Proctor S.C.

I have read over the evidence already recorded
to Mr. Rajaratnam to refresh his memory. Mr. Rajaratnam states that he has no objection to my proceeding with the inquiry from the stage it was adjourned on 22.9.56.

10

Mr. Rajaratnam states that he would like to recall the applicant although his evidence was concluded on 31st August 1956 and the evidence of one Mr. Ariyadasa was also led. I allow Mr. Rajaratnam's application to recall the applicant.

Appellant's
Evidence

(b) EVIDENCE of N.K.K. SHANMUGAM

(b) Evidence of
N.K.K. Shanmugam.

N.K.K. SHANMUGAM - Applicant. Affirmed -

20

Examined by Mr. Rajaratnam.

Between 6th Sept. 1944 - 14th November 1945 I went to India twice. In October 1944 I went to India and returned in February 1945. I got married in March 1944 in India. In October 1945 I brought my wife to Ceylon. From March 1944 - October 1945 my wife was in India. In October 1944 I went to India to visit my wife and to celebrate the first Deepavali Festival. In January 1944 I went to India to get married and returned in May 1944 alone after marriage.

30

Within the period Sept. 1944 to Nov. 1945, my second visit to India, was to bring my wife to Ceylon. During the period September 1944 - 14th November 1945 I was not away from Ceylon for 12 months at a stretch.

I did not bring my wife to Ceylon immediately after marriage because my wife was frightened to come for fear and Enemy action. She was also pregnant and was afraid to travel.

My wife first came to Ceylon in October 1945. From November 1945 - Nov. 1946 I can prove my wife's residence by documentary evidence. I produce Ledger of H.K.K. Pandiyan according to which my wife has sent Rs.10/55 to her mother on 31.5.46.

10 Karuppiah is my eldest child - he was born in India in July 1945. I brought him to Ceylon in October 1945. I produce Village Headman's Report marked P.13 to show that my children Kanappiah and Karunahathi alias Jayapragasam were named in the Householders list during the period 1943 - 1954. Karunanathi was born in India in November 1947.

My business in Ceylon is worth Rs.150,000/00.

20 I am a textile merchant and Pawn broker. I want to make Ceylon my permanent home. I have no property in India.

Examined by me

I remember having completed my application for citizenship in 1951. I instructed a person to complete the application for me. I don't remember the name of the person who completed the form for me.

30 Shown page six of the application to applicant regarding the residence of his wife in Ceylon where it is stated that she was in Ceylon at No.9 Puppurasa Bazaar from 1944 - 1945 - That entry is a mistake - my wife never lived at Puppuresa - I swore to the accuracy of the particulars in my application before Mr. H.J.P. Samarasekera, J.P. I came to Ceylon in 1933. I have been to India about six or seven times. In 1945 I did not take my family from Ceylon to India.

40 Shown page 8 overleaf - this is my signature. The statement there that I took my family to India in 1945 is incorrect. I cannot explain why I have stated at page 9 that I took my family to India in 1945. I did not go to India in 1946 to bring my family. I went alone to India in 1946.

No. 15

Inquiry
Proceedings
before Deputy
Commissioner
Fernando.

10th May 1957.

Appellant's
Evidence

(b) Evidence of
N.K.K.Shanmugam

- continued.

No. 15

This statement in form A to C is correct.

Inquiry
Proceedings
before Deputy
Commissioner
Fernando.

10th May 1957.

Appellant's
Evidence

(b) Evidence of
N.K.K.Shanmugam
- continued.

In November 1947 I took my wife to India for her second confinement. In April 1948 I went to India to bring my wife to Ceylon.

I have relatives in India. I have three brothers in India - three others are in Ceylon. The three of us in Ceylon are partners in business. My brothers in India are farmers - they are not businessmen. My brother is living in India. My wife has relatives in India - her mother and brother are in India.

10

Mr. Rajaratnam states he has no further questions to put to the applicant.

(c) Evidence
of L.H. Mendis
Appu.

(c) EVIDENCE of L.H. MENDIS APPU

L.H. MENDIS APPU 55 years - Trader - affirmed.

Examined by Mr. Rajaratnam.

I have known the applicant for the last fifteen or sixteen years. My shop is opposite the shop of the applicant. During the period I knew the applicant he was never away in India for more than one year at a stretch. The applicant came to Pussellawa about 12 years ago. I know his wife and children. I knew the applicant when he was at Puppuressa.

20

(d) Evidence
of G.P.H.
Mallis Silva.

(d) EVIDENCE of G.P.H. MALLIS SILVA

G.P.H. MALLIS SILVA 35 years - trader - Pussellawa affirmed.

I have known the applicant from 1939. I knew him when he was at Puppuressa. My boutique was close to Applicant's boutique at Puppuressa. The No. of my boutique is 36, N'eliya Road, Pussellawa. The Applicant's boutique is No.37. The Applicant helped me to get No. 36.

30

From 1945 I have known applicant's wife and children. The Applicant has not been to India on any occasion for more than two or three months.

(e) EVIDENCE of M.R. MASANAM.

No. 15

M.R. MASANAM - 50 years - Trader - Pussellawa,
affirmed.

Inquiry
Proceedings
before Deputy
Commissioner
Fernando.

10th May 1957.

Appellant's
Evidence

10

I have known the applicant for the last twenty years. I know applicant's wife and children. The Applicant used to see me whenever he went to India. Neither the Applicant nor his wife has been in India in any occasion for one 12 months. The applicant's children too have not been away in India for one year or more.

(e) Evidence of
M.R. Masanam.

(f) DEPUTY COMMISSIONER'S CONCLUDING NOTES.

(f) Deputy
Commissioner's
Concluding
Notes.

20

Mr. Rajaratnam makes an application that he would wish to address him on the law and begs for a date. I inform Mr. Rajaratnam that I cannot further postpone this case and that I am prepared to listen to his submissions now. Mr. Rajaratnam states that he is not prepared to address me now. I refuse his application. Mr. Rajaratnam now states that he is entitled to claim the benefit of Section 2(3)(ii) of Act No.45 of 1952.

Mr. Rajaratnam submits that the applicant married in India during the war. The applicant has given evidence that he could not bring his wife to Ceylon prior to October 1945 owing to apprehension of enemy action against Ceylon.

Mr. Rajaratnam concludes his case.
Application refused.
Reasons later.

Applicant informed.

30

Sgd. illegibly.

10.5.57.

No. 16

No. 16

Order refusing Application.

ORDER REFUSING APPLICATION.

23rd May 1957.

ORDER

The applicant had to prove that he was continuously resident in Ceylon during the period 6.9.44 - 14.11.45. I am satisfied that he was in fact continuously resident in Ceylon during the period in issue.

The applicant had further to prove that his wife was resident in Ceylon from 16.3.1945 to 12th November 1946 and from 26th November 1946 to 1st April 1948.

10

The applicant got married in India on 16.3.1944. At the Inquiry held in 31.7.56 the applicant stated that he brought his wife to Ceylon for the first time in October 1945. On this date he gave no reason as to why he brought her to Ceylon so long after marriage. The applicant was represented by a proctor. His evidence was concluded and the evidence of another witness was recorded. On 10.5.57 when inquiry was reconducted into this case before applicant's proctor made an application to recall the applicant. I allowed his application. Evidence of the applicant was led to the effect that he married in March 1944 and brought his wife to Ceylon in October 1945. For the first time the applicant tried to make out that his wife was prevented from coming to Ceylon earlier due to fear of enemy action. He stated also that she was pregnant at the time and was frightened to travel. It will be seen therefore that a belated attempt was made to take advantage of Section 2(3)(ii) of Act No.45 of 1952. The section reads thus - "the continuity of residence of the wife of an applicant shall not be deemed to have been interrupted by reason that she was not resident in Ceylon during the period 1.12.41 - 31.12.1945, or during any part of that period, if the Commissioner is satisfied that he or she did not reside in Ceylon during the period or part thereof during the apprehension of enemy action in or against Ceylon or owing to special difficulties caused by the existence of war."

20

30

40

This section I think applies only to wives of minor children of applicants who have at some time

Order refusing
Application.

23rd May 1957

- continued.

10 been in Ceylon and who were for the reasons stated in the section taken to India for their greater safety. It cannot be said that continuity of residence has been interrupted if a person has however been resident in this country. In any case I am not at all satisfied that the reasons stated in the section are the reasons which prevented the applicant from bringing his wife to Ceylon. The evidence of the applicant is that his wife was frightened to come to Ceylon as she was pregnant and she feared enemy action. The applicant could have brought his wife to Ceylon before she was advanced in pregnancy. There is a more serious reason for me to suspect the applicant's evidence than the mere fact that it was belated. In his application at page six the applicant has stated under affirmation that his wife was resident in Ceylon at No.9 Puppuressa Bazaar from 1944 - 1945. The applicant had apparently forgotten the statement when he stated at the inquiry that his wife was not in Ceylon prior to October 1945. I am therefore not satisfied that the reasons which prevented the applicant from bringing his wife to Ceylon for more than one year after marriage were the reasons the applicant gave at the Inquiry, the applicant's wife should have been in Ceylon at least on 16.3.45. She was not in Ceylon on that date. On this undisputed fact alone this application must fail.

30 I am satisfied that the applicant has proved issue (1) in the 9(1) notice i.e. that he was resident in Ceylon during the period 6.9.44 to 14.11.45. I am also satisfied as regards the residence of the applicant's children.

40 I am however not satisfied that the applicant had permanently settled in Ceylon. Even after 1944 the applicant has been to India almost annually. He went to India to get married, he left his wife in India for over a year after her marriage. Two of the applicant's children were born in India. There is no evidence that the applicant has acquired any immovable property in Ceylon. The applicant certainly has certain business interests in Ceylon - he is a Pawn Broker and textile merchant. But apart from his business interests the applicant does not appear to have any other interests in this country. It appears to me that the applicant has always regarded the country of his origin as his home.

No. 16
Order refusing
Application.
23rd May 1957
- continued.

Mere length of residence in a country for purposes of business alone, I don't think is sufficient to show that a person has permanently settled in a country. It is the view of jurists that a domicile of origin is not easily displaced - and in this case it is particularly so because the applicant's country of origin is a neighbouring country. The applicant could very well regard Ceylon as the country where he could conveniently and profitably establish and carry on business, and regard India as his home. In this case, the applicant's conduct shows that to him Ceylon is no more than a happy hunting ground for purposes of business and that the country of his origin is really his home. I hold that the applicant has not acquired a domicile of choice in Ceylon.

10

The application is refused.

Sgd. F.G.B. Fernando.
23.5.57.

20

In the
Supreme Court

No. 17

PETITION OF APPEAL

No. 17

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

Petition of
Appeal.

Application No.L.7813

1st July 1957.

IN THE MATTER of an application under
the Indian and Pakistani Residents,
(Citizenship) Act No.3 of 1949

- and -

IN THE MATTER of an appeal under Section
15 of the Indian and Pakistani Residents
(Citizenship) Act No. 3 of 1949.

30

N.K.K. SHANMUGAM of
37, Nuwara Eliya Road, Pussellawa
Applicant-Appellant

v.

THE COMMISSIONER FOR THE REGISTRATION OF
INDIAN AND PAKISTANI RESIDENTS, Colombo 1.
Respondent

On this thirty first day of July, 1957.

TO: THE HONOURABLE THE CHIEF JUSTICE AND THE
OTHER JUDGES OF THE HONOURABLE THE SUPREME
COURT OF THE ISLAND OF CEYLON.

In the
Supreme Court

No. 17

THE PETITION of the Applicant-Appellant above-
named appearing by JAMES ILLANGAKONE RAJARATNAM,
his Proctor, states as follows:-

Petition of
Appeal.

1st July 1957

- continued.

10 1. The Applicant-Appellant made an applica-
tion under the provisions of the Indian and
Pakistani Residents (Citizenship) Act No.3 of
1949 on 13th July 1951 to be registered as a citi-
zen of Ceylon and that his wife and dependent
minor children named in the said application also
be registered as citizens of Ceylon, and was
assigned Serial No.L.7813.

20 2. On 4th June, 1954 the Deputy Commissioner
for the Registration of Indian and Pakistani Resi-
dents gave notice to the Applicant-Appellant under
Section 9(1) of the said Act that he had decided
to refuse the said application on the grounds
specified in the schedule to the said notice,
unless the Applicant-Appellant showed cause to the
contrary within a period of three months from the
date of the said notice.

3. The Applicant-Appellant thereupon showed
cause within the aforesaid period and the Deputy
Commissioner made order fixing the matter for
inquiry.

30 4. The said inquiry was held by the Deputy
Commissioner on 31st July, 1956, 31st August 1956,
and on 10th May, 1957 and after recording the
evidence of the Applicant-Appellant and his wit-
nesses the Deputy Commissioner made his order on
23rd May, 1957 refusing the application of the
Applicant-Appellant.

40 5. Being dissatisfied with the said order
and the reasons given therefor, the Applicant-
Appellant begs leave to appeal therefrom to Your
Lordships' Court on the following among other
grounds that may be urged by Counsel at the hear-
ing of this appeal :-

(a) the said order is contrary to law and
against the weight of evidence adduced in
the case.

(b) it is respectfully submitted that the

In the
Supreme Court

No. 17

Petition of
Appeal.

1st July 1957

- continued.

evidence furnished by the Applicant-Appellant to the Investigating Officer who made investigations under Section 8 of the said Act together with the evidence furnished to the Deputy Commissioner at the inquiry held on 31st July, 1956, 31st August 1956 and on 10th May, 1957 under Section 9(3)(a) of the said Act was sufficient to allow the application of the Applicant-Appellant for Ceylon citizenship.

10

(c) the learned Deputy Commissioner has misdirected himself:-

i. as regards the quantum of proof necessary to prove the Applicant-Appellant's case; and

ii. in assessing the evidence of the Applicant-Appellant and his witnesses.

(d) the Deputy Commissioner has misdirected himself with regard to the presumption of fact and law applicable to the case

20

(e) the Deputy Commissioner has not looked at the surrounding circumstances to appreciate the evidence of the Applicant-Appellant and his witnesses but has treated the whole question of proof as equivalent to a memory test. The Deputy Commissioner has not considered the evidence in the light of general probabilities in the circumstances of the case.

30

(f) the Deputy Commissioner has placed upon the Applicant-Appellant an unduly heavy onus of proof and has contravened the requirements of natural justice

(g) the Deputy Commissioner has erred in the standard of proof required in these proceedings.

(h) the Deputy Commissioner has erred in holding that the Applicant-Appellant was not permanently settled in Ceylon within the meaning of the Act

40

(i) the evidence led in the case is sufficient

to entitle the Applicant-Appellant to an order under Section 14 (7)(a) of the Act in his favour.

WHEREFOR the Applicant-Appellant prays that Your Lordships' Court be pleased -

- (a) to set aside the order of the Deputy Commissioner dated 23rd May, 1957
- (b) to direct the Commissioner to cause the Applicant-Appellant, his wife and dependent minor children to be registered as citizens of Ceylon and to issue to the Applicant-Appellant a Certificate of Registration and to publish in the Government Gazette a notification setting out the fact of the registration of the Applicant-Appellant his wife and dependent minor children as citizens of Ceylon; and
- (c) for costs and for such other and further relief as to Your Lordship's Court shall seem meet.

Sgd. J. Illangakone Rajaratnam.
PROCTOR FOR APPLICANT-APPELLANT

Sgd. (In Tamil)

In the
Supreme Court

No. 17

Petition of
Appeal.

1st July 1957

- continued.

10

20

In the
Supreme Court

No. 18

D E C R E E

No. 18

No. 40/'58 (Citizenship Case).

Decree.
8th August,
1958.

ELIZABETH THE SECOND, QUEEN OF CEYLON AND OF HER
OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

IN THE MATTER of an application under the
Indian and Pakistani Residents
(Citizenship) Act No.3 of 1949

10

- and -

IN THE MATTER of an appeal under Section
15 of the Indian and Pakistani Residents
(Citizenship) Act, No. 3 of 1949.

N.K.K. SHANMUGAM of
37, Nuwara Eliya Road, Pussellawa.
Applicant-Appellant

Versus

THE COMMISSIONER FOR THE REGISTRATION OF
INDIAN AND PAKISTANI RESIDENTS, Colombo 1.
Respondent

20

Application No.L.7813

Counsel for Appellant: Mr. Advocate S.P.
Amarasingham.

Counsel for Respondent: Mr. Advocate E.R. de
Fonseka, Crown Counsel.

This case having come before the Hon. K.D.
de Silva, Puisne Justice, of this Court, for
hearing and determination on 8th August, 1958.

It is considered and adjudged that this
appeal be and the same is hereby dismissed.

30

And it is further decreed that the applicant

appellant do pay to the respondent the costs of this appeal fixed at Rs.105/-.

In the
Supreme Court

Sgd. K.D. de Silva
PUISNE JUSTICE.

No. 18

Decree.

Witness the Hon. Hema Henry Hasnayake, Q.C., Chief Justice, at Colombo, the 25th day of August, in the year One thousand Nine hundred and fifty-eight, and of Our Reign the Seventh.

8th August
1958

- continued.

10 SEAL.

Sgd. B.F. Perera
Dy. Registrar, S.C.

No. 19

In the
Privy Council

ORDER of HER MAJESTY IN COUNCIL granting
SPECIAL LEAVE to APPEAL

No. 19

L.S. AT THE COURT AT BALMORAL
The 12th day of AUGUST, 1959

Order of Her
Majesty in
Council grant-
ing Special
Leave to Appeal.

PRESENT

12th August,
1959.

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT SIR MICHAEL ADEANE
LORD CHAMBERLAIN DOCTOR NKRUMAH
20 MR. SECRETARY MACLAY.

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 29th day of July 1959 in the words following, viz:-

30

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Nalla Karumpooru Kayampu Shanmugam in the matter of an Appeal from the Supreme Court of Ceylon between the Petitioner and W.E.M. Abeysekera - Deputy Commissioner for Registration of Indian and Pakistani Residents Respondent setting forth (amongst other matters) that the

In the
Privy Council

No. 19

Order of Her
Majesty in
Council grant-
ing Special
Leave to Appeal.

12th August,
1959

- continued.

Petitioner made an application on the 13th July 1951 to the Deputy Commissioner for the Registration of Indian and Pakistani Residents under the provisions of the Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949 to be registered as a citizen of Ceylon and that his wife and dependent minor children named in the application should also be registered as citizens of Ceylon: that on the 4th June 1954 by a notice under Section 9(1) of the said Act the application was refused: that the Petitioner thereupon showed cause under the Act and asked for an inquiry which was duly held and on the 23rd May 1957 the Deputy Commissioner refused the application: that the Petitioner appealed to the Supreme Court which on the 8th August 1958 dismissed the Appeal: that the Petitioner applied to the Supreme Court for conditional leave to appeal to Your Majesty in Council but by an Order dated the 24th day of September 1958 the leave was refused on the ground that the application was out of time: And humbly praying Your Majesty in Council to grant him special leave to appeal from the Order of the Supreme Court of Ceylon dated the 8th day of August 1958 or for further or other relief:

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Order of the Supreme Court of Ceylon dated the 8th day of August 1958 upon depositing in the Registry of the Privy Council the sum of £400 as security for costs:

"And Their Lordships do further report to Your Majesty that the proper officer of the Supreme Court ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before Your Majesty on the hearing of the Appeal upon payment by the Petitioner of the usual fees for the same"

HER MAJESTY having taken the said Report into

consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

10 Whereof the Governor-General or Officer administering the Government of Ceylon for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W.G. AGNEW.

In the
Privy Council

No. 19

Order of Her Majesty in Council granting Special Leave to Appeal.

12th August,
1959

- continued.

DOCUMENTS PRODUCED ON PRELIMINARY INVESTIGATION

SUMMARY ACKNOWLEDGMENTS of POSTAL REMITTANCES
made by APPLICANT

Documents
Produced on
Preliminary
Investigation.

ACKNOWLEDGMENT (ON POSTAL SERVICE)

Payee:- Mr. S.K. Pandiya Rajaan

Amount of Order:- Rs. 15 (Fifteen)

Remitter:- N.K.K. Sanmugam.

Address:- Poprasio Kodai, Gampola, Pussellawa.

20 Stamp of Office
of issue:-

Madura - F.
9th Jan. 1939.

Received by:- S.K. Pandiya Rajaan.

Summary
Acknowledgments
of Postal
Remittances
made by Appli-
cant.

9th January,
1939.

Documents
Produced on
Preliminary
Investigation.

SUMMARY OF ACKNOWLEDGMENTS (INDIAN POSTS &
TELEGRAPHS DEPARTMENT)

	No.	Payee	Amount of Order	Name & Address of Remitter	Stamp of Office of issue	
Summary Acknowledgments of Postal Remittances made by Appli- cant.	19	N.K.K. Gengammal.	Rs.15 (Fifteen)	N.K.K.Shanmugam 37, N.Eliya Road, Pussellawa.	Madura - F	
Undated.	20	N.K.K. Kengammal.	Rs.15 (Fifteen)	N.K.K.Shanmugam 37, Newara Eliya Pussellawa.	Madura - F	10
	21	Poovanna Mana Ramasany	Rs.10 (ten)	N.K.K.Shanmugam 37 Nuwara Eliya Road, Pussellawa.	Madura - F	
	23	K.G.V. Ramaiah	Rs.5 (five)	N.K. Shanmugam 37, Nuwara Pussellawa.	Madura - F	20
	25	N.K.M. Aiyaioo Pandaram.	Rs.25 (Twenty five)	N.K.K.Shanmugam 37, Pussellawa.	Madras - F	

Abstract of
Advices of
Delivery or
Payment.

21st April,
1941.

ABSTRACT OF ADVICES OF DELIVERY OR PAYMENT
ADVICE OF DELIVERY/PAYMENT

Sender:- N.K.K. Sanmugam,
Upprasi Bazaar,
Pusselawa.

Destination:- Gampola.

Country of Destination:- Ceylon.

Posted at:- ---

Under No. 377

Sent by:- Mr. N.K.K. Sanmugam.

Addressed to:- Mr. A.V.N.R.M. Nallaiah Naido
Cloth Merchants.

At:- Aruppuckottei P.O. Ramanad.

Delivered:- 21st April 1941.

Stamp of Delivery Office ---

Signature:- A.V.N.R.M.Nallaiah Naido (in Tamil)

PAWN BROKER'S LICENCE

Duplicate
(To be issued to Licensee)

Documents
Produced on
Preliminary
Investigation

FORM OF LICENCE

(Section 24 of Ordinance 8 of 1893)

Pawn Broker's
Licence.

6th January,
1942.

10 I, E.T. DIPON, Government Agent of the Central Province do hereby authorize and license N.K.K. Sannugam of No. 4, Pupuressa to carry on the business of a pawnbroker at the above address within the limits of, in the Kandy District, under the provisions of "The Pawnbrokers' Ordinance, 1893" as amended by Ordinance No. 5 of 1935.

This Licence will expire on July, 31, 1942.

Sgd. E.T. Dipon,
Government Agents.

The Kachcheri,
Kandy, 6.1.1942.

Verified.
Sgd.

20 28/11/50.

CUSTOMS BAGGAGE RECEIPT

Customs Baggage Receipt No.9103
Date: 2.11.43.
Ship: Gosehi. Passenger's name:
N.K.K. Shanmugam.

Customs
Baggage
Receipt.
2nd November,
1943.

Description of Articles	Quantity	Value	Rate of Duty	Duty
30 J. Requests		2/=	30/=	-1
as nil and as terms of				
	Intld.	2.11.43.	
			Wharf Rent	
			Total.	
Baggage Inspector.				
C.B.R. Customs - 166				

Documents
Produced on
Preliminary
Investigation

LETTER from MONEY ORDER DEPARTMENT to APPELLANT
No. 41697

Letter from
Money Order
Department to
Appellant.

7th January,
1947.

MONEY ORDER DEPARTMENT,

General Post Office,
Colombo, 7. 1. 1947.

Subject: Pussellawa M.O. 7521

Referring to your letter of the 21.12.46, I
have to inform you that the Indian Post Office
has been requested accordingly.

Sgd.

for Superintendent,

Money Order Department.

10

(On the Front Cover)

ON HIS MAJESTY'S SERVICE

To,

Mr. N.K.K. Shanmugam,

37, Nuwara Eliya Road,

Pussellawa.

Rubber stamp seal of
D.G. Singanayagam,
Acct: Postal Department,
(M.O.B.) Colombo.

20

HOUSEHOLDER'S LIST No.307A/UP/26.

FOOD CONTROL
House Holder's list No. 307A/UP/26.

Documents
Produced on
Preliminary
Investigation

Full name of Persons who are Permanent Residents in the House (other than Visitors)	Yrs.	Class See below	New Ration Book No.
Jayaletchimi	20	R.	395379

Householder's
List
No.307A/UP/26.
6th April 1948.

10

True extract of 1948.

Sgd.
F.C. Clerk.

Certified.

Sgd. (on a Rs.1/- stamp)

D.R.O. Uda Palata.

19.7.52.

(Reverse)

D.R.O's Division: Uda Palata

Village or Ward: Pussellawa Town.

20

Name and Number of Village
Headman's Division or Town Pussellawa Town.House No. and Street: No. 37, Muwara Eliya Road,
Pussellawa.Name and Addresses of Present
Authorised Distributor/Co-
operative Store:Co-op. Stores Ltd.
Pussellawa.

30

I, N.K.K. Shanunugam, the Chief Occupant, do hereby declare that the information furnished by me herein and overleaf is to the best of my knowledge and belief true and accurate, that I have not filled any other householder's list and that I have ascertained from the persons who are permanent residents of my Household (other than visitors) that their names have not been included in any other such list.

Sgd. in Tamil (Signature of Chief Occupant)

Date: 1.4.48.

Sgd. V.J. Rajiah, T.A.
Signature of Village Headman,
6.4.48.

Documents
Produced on
Preliminary
Investigation

CUSTOMS RECEIPT

H. M. CUSTOMS

CUSTOMS RECEIPT

Customs Receipt.

11th July, 1948.

Name: N.K.K. Chamaugan.

No. of Pkgs. and contents.

Mats: 8.00 Rs.8.00

Ex. S.S. Inivu.

Duty Paid, Rs.8.00

Dues Paid, Rs.

T.S. Pass: Packages.

10

Sgd. Customs Office.
11.7.48.

Sgd. N.K.K. Shanmugan. (In Tamil), Passenger.



HOUSEHOLDER'S LIST No. UP/307A/26

FOOD CONTROL

House Holder's List No. UP/307A/26

Documents
Produced on
Preliminary
Investigation

Full name of Persons who are Permanent Residents in the House (other than Visitors)	Sex	Yrs.	Relation- ship to Chief Occupant	Class see below	Number 1949	Cate- gory W.O. C.I.	New Ration Book No. 1950
---	-----	------	---	-----------------------	----------------	-------------------------------	--------------------------------------

Householder's
List
No. UP/307A/26.
4th April,
1950.

S. Jayalechimi	Woman	20	Wife of Sanmugam	R.	K.136320	0	32786
----------------	-------	----	---------------------	----	----------	---	-------

True extract of 1950

Sgd.

F.C. Clerk.

Certified

Sgd. (on a Re.1/- stamp)

D.R.O. Uda Palata.

19.7.52.

(Reverse)

D.R.O's Division: Uda Palata

Village or Ward: No. 5.

Name and Number of Village

Headnan's Division or Town Pussellawa Town 307A

House No. and Street: No.37, N. Eliya Road,
Pussellawa.

Name and Address of Present

Authorised Distributor/Co-

operative Stores: Co-op. Stores Ltd.
Pussellawa.

I, N.K.K. Palanisamy, the Chief Occupant, do hereby declare that the information furnished by me herein and overleaf is to the best of my knowledge and belief true and accurate, that I have not filled any other householder's list and that I have ascertained from the persons who are permanent residents of my House Hold (other than visitors) that their names have not been included in any other such list.

Sgd.: in Tamil.
(Signature of Chief Occupant)Sgd. V.J.Rajiah, T.A.
Signature of Village
Headman, 4.4.50.

Date: 1st April, 1950.

Documents
Produced on
Preliminary
Investigation

REPORT from DIVISIONAL REVENUE OFFICER, GAMPOLA

D.R.O's Office,
Gampola,
28th November, 1950.

Report from
Divisional
Revenue
Officer,
Gampola.
28th November,
1950.

1. V.H. Pupuressa reports that N.K.K. Shanmugam was residing at Pupuressa from 1.4.44 to April 1945. T.A. Pussellawa reports that he has been in residence at Pussellawa from 1945 to this day.

2. He is employed as Manager of Messrs. N.K.K. Pandiyan Textile Merchants, Pussellawa on a monthly salary of Rs.75/- and meals. 10

3. He has been issued with ration books from 1945 up-to 1950, by T.A. Pussellawa.

4. He has made (4) visits to India. The duration of his visits are as follows :-

1. 3 months in 1946.
2. 1 month in 1947
3. 2 months in 1948.
4. 2 months in 1949. 20

Sgd.:-

D.R.O. O.P.

Certificate
from M.N.
Sambamurti &
Co., Colombo.
2nd December,
1950.

CERTIFICATE from M.N. SAMBAMURTI & CO.,
COLOMBO

M.N. Sambamurti & Co.
Chartered Accountants,
Incorporated Accountants.

Imperial Bank Buildings,
Fort.
P.O. Box. 210.
COLOMBO.

S.Coomaraswamy, B.Sc.,A.C.A.,
A.S.A.A.

Telephone 3571.
Please quote this when
replying: Ref. No.469.

2nd December
1950. 30

We hereby certify that there is a ledger account in the name of Mr. N.K.K. Shanmugam in the books of Mr. N.K.K. Pandian of 37, Nuwara Eliya Road, Pussellawa produced before us for the following accounting periods to which drawings have been debited from time to time :

1st February 1943 to 31st January 1945
1st February 1945 to 31st March 1946.
1st April 1946 to 31st March 1947.
1st April 1947 to 31st March 1948
1st April 1948 to 31st March 1949
1st April 1949 to 31st March 1950.

Sgd. M.N. Sambamurti
CHARTERED & INCORPORATED
ACCOUNTANTS.

Documents
Produced on
Preliminary
Investigation

Certificate
from M.N.
Sambamurti &
Co., Colombo.

2nd December,
1950

- continued.

10 (Seal of M.N. Sambamurti & Co.,
Incorporated Accountants,
P.O. Box. 210
Colombo)

DECLARATION of W.H. JAYATHUNGE of PUSSELLAWA.

AFFIDAVIT

20 I, W.H. Jayathunge of Pussellawa not being a
Christian do hereby solemnly, sincerely and truly
declare and affirm that Mr. N.K.K. Pandiyan his
wife and children are well known to me from the
year 1945 to date.

2. I further declare that I have visited his
premises on several occasions regarding Medical
Treatment (Native) Mr. N.K.K. Shanmugam is the
Manager of the firm of Messrs. N.K.K. Pandiyan,
Cloth Merchants, No. 37, Nuwara Eliya Road,
Pussellawa.

Sgd. W.H. Jayathunge.

Pussellawa. 12th August, 1953.

Sgd. W.H. Jayathunge.
J.P.

Declaration of
W.H. Jayathunge
of Pussellawa.

12th August,
1953.

Documents
Produced on
Preliminary
Investigation

DECLARATION of B. P. ARIYADASA of PUSSELLAWA.

AFFIDAVIT

Declaration
of B.P.
Ariyadasa of
Pussellawa.
12th August,
1953.

I, B.P. Ariyadasa of No. 50, Nuwara Eliya Road, Pussellawa, not being a Christian do hereby solemnly, sincerely and truly declare and affirm that Mr. N.K.K. Shanmugam of No. 37 Nuwara Eliya Road, Pussellawa and his wife Mrs. Jayaletchumi their children were occupying the premises No.37, Pussellawa in the year 1945. I have collected the rent from him during this year and to the best of my knowledge he and his wife have in generally resident in this premises. I can testify to this fact by having mediated in a quarrel between him and his neighbour in the year 1945.

10

2. Mr. N.K.K. Shanmugam is the Manager of the Firm of Messrs. N.K.K. Pandiyan of No.37 Pussellawa.

Sgd. B.P. Ariyadasa.

Pussellawa, 12th August, 1953.

Sgd. W.H. Jayathunge.
J.P.

20

Letter from
Divisional
Revenue
Officer, Uda
Palata.
2nd September
1953.

LETTER from DIVISIONAL REVENUE OFFICER UDA PALATA

No. C.295/53.

D.R.O's Office,

Gampola. 2.9.53.

Mr. N.K.K. Shanmugam,
c/o N.K.K. Pandiyan,
37, Nuwara Eliya Road,
Pussellawa.

Sir,

30

With reference to your letter dated 13.8.53, I have the honour to inform you that S.Jayaletchimi has been issued with R.B. No.136898 during the year 1947.

I am, Sir,
Your Obedient Servant,

Sgd.

D.R.O. Uda Palata.

EXHIBIT "P1". - LETTER, C. HEMCHAND to
N.K.K. SHANMUGAM.

Applicant's
Exhibits

C. HEMCHAND

Estate suppliers, Manufacturer & Supplies
of Cumbly.

24, Kandy Road,
GAMPOLA, 6th March, 1944.

"P1"

Letter,
C. Hemchand to
N.K.K. Shanmugam.

6th March 1944.

10 Head Office:-
102/1 Wolfendahl Street,
Colombo.

Messrs: Mr. N.K. Sanmugam,
Pussellawa.

Dear Sir,

Please be good enough to remit us the out-
standing balance due from you Rs.40/- for the five
cumblyies 'bombay Nice' which you bought from us
last year 23rd May.

Thanking you for an early remittance.

20

We Remain, Dear Sir,
Yours faithfully,

Sgd. I.R. Bhatt.
for C. Hemchand.

Verified.

Sgd.
20/11

(Reverse)

Mr. N.K.K. Sanmugam,

Pussellawa.

Applicant's
Exhibits

Exhibit "P2". - CERTIFICATE of M.N.SAMBAMURTI
& CO. Chartered Accountants, Colombo.

"P2"

Certificate of
M.N.Sambamurti
& Co.,
Chartered
Accountants,
Colombo.

2nd December,
1950.

M.N.Sambamurti & Company,
Chartered Accountants,
Incorporated Accountants.

S. Coomaraswamy, B.Sc., A.C.A.
A.S.A.A.

Telephone 3571.

Imperial Bank Buildings, Fort,
P.O. Box 210.
Colombo. 2nd December 1950.

10

Please quote this
when replying:-
Ref. No.469.

We hereby certify that there is a ledger
account in the name of Mr. N.K.K. Shanmugam in the
books of Mr. N.K.K. Pandian of 37, Nuwara Eliya
Road, Pussellawa produced before us for the follow-
ing accounting periods to which drawings have been
debited from time to time.

20

1st February 1943 to 31st January 1945

1st February 1945 to 31st March 1946

1st April 1946 to 31st March 1947

1st April 1947 to 31st March 1948

1st April 1948 to 31st March 1949

1st April 1949 to 31st March 1950.

CHARTERED & INCORPORATED
ACCOUNTANTS.

True Copy

Sgd. M.N. Sambamurti.

30

EXHIBIT "P3". - CERTIFICATE of the DIVISIONAL
REVENUE OFFICER - Uda Palata.

Applicant's
Exhibits

"P3"

D.R.O's Office,
Gampola.
1.6.53.

Certificate of
the Divisional
Revenue Officer
Uda Palata.

1st June 1953.

This is to certify that according to reliable information available to me, Mr. N.K.K. Shanmugam was residing at Pupuressa and Pussellawa both in this division since prior to 1944.

10

Sgd.
Divisional Revenue Officer,
Uda Palata.

EXHIBIT "P4". - GENERAL POWER OF ATTORNEY

"P4"

TEN RUPEES ONE RUPEE FOUR ANNAS
General Power of Attorney

General Power
of Attorney.
16th November,
1945.

Know all men by these presents that I, N.K.K. Pandiyan, son of Kayambu Pandaram, Hindu Veera Sivite, residing in Nagaram Village in Pattukottai Taluk, Tanjore District, South India, do hereby appoint and retain my brother N.K.K. Shanmugham, son of Kayambu Pandaram, Hindu Veera Sivite, now residing at No.37, Nuwara Eliya Road in Pussellawa in Kandy District in the Island of Ceylon, as my General Attorney on behalf of myself to do all or any of the acts or things hereinafter mentioned, that is to say :-

20

1. To take possession of and to manage and carry on my business carried on in the name and style of N.K.K. Pandiyan Licensed Pawn Broker, Dealer in Cloth, Brassware etc., at No.37, Nuwara Eliya Road, Pussellawa and to do all such acts as he may consider necessary and expedient for such management and carrying on of the business and as may be for my advantage and for the benefit of the business and in particular to appoint the shop assistants, to pay them such salaries as may be fixed by him, to purchase all articles necessary for the carrying on of the trade by sale on credit or cash, to sell for credit or cash, to take securities for

30

Applicant's
Exhibits

"P4"

General Power
of Attorney.

16th November,
1945

- continued.

due payments of amounts due to my aforesaid business both for amounts due already and may become due hereafter, to collect amounts due up till now and also may become due hereafter either on securities or as book debts, to give valid receipts in part or full quittance of the claims, to sue as my attorney for the realisation of all amounts due or to become due hereafter, to engage lawyers, to sign vakalats and plaints and also other petitions as may be necessary for the due conduct of the proceedings, to draw from Court any amount due or to become due, to file appeals and to conduct them, to compromise and to grant discharges and to defend any action brought or to be brought against me and to do all acts and sign all proceedings in connection therewith and generally to do all other acts necessary for the due prosecution and realisation of amounts and conduct all proceedings.

10

2. To apply for licences as often as may be necessary for the carrying on of the aforesaid business, to pay the requisite fees, to present for payment cheques drawn in my favour for cashing, to sign cheques or other vouchers for the drawing of the amounts, to issue cheques, to open bank accounts and to operate upon them, and to do all acts on behalf of myself and for my benefit in the matter of carrying on the aforesaid business provided that the said Attorney shall maintain a true and correct account of all transactions connected with the management and carrying on of the said business and shall render an account of the same to me annually and shall pay me all balances of moneys in his hands as and when required.

20

30

3. I hereby agree that all acts and deeds done by him are done by me on behalf of myself. I sign this with full consent and knowledge on this 16th day of November 1945.

I am now residing at No. 5, Kunoor within Tiruturaipundi Taluk.

Nana Kana Kana Pandiyan (In Tamil)

40

EXHIBIT "P7A-P7I". - SUMMARY OF HOUSE RENT RECEIPTS

Applicant's Exhibits

<u>Mark</u>	<u>No.</u>	<u>Payer</u>	<u>Date</u>	<u>Period</u>	<u>Amount</u>	<u>"P7A-P7I"</u>
P7A	1	N.K.K.Pandian	1/4/44	Advance	Rs.50	House Rent Receipts (Summary)
P7B	3	Ditto	15/5/44	April 44	Rs.25	
P7C	6	Ditto	16/6/44	-	Rs.25	1st April to 16th November 1944 and 15th December 1946.
P7D	8	Ditto	15/7/44	June 44	Rs.25	
P7E	10	Ditto	19/8/44	July 44	Rs.25	
P7F	12	Ditto	15/9/44	August 44	Rs.25	
10 P7G	14	Ditto	15/10/44	September 44	Rs.25	
P7H	16	Ditto	16/11/44	October 44	Rs.25	
P7I	65	Ditto	15/12/46	November 46	Rs.25	

EXHIBIT "P8A-P8M". - SUMMARY OF HOUSE RENT RECEIPTS

"P8A-P8M"

<u>Mark</u>	<u>No.</u>	<u>Payer</u>	<u>Date</u>	<u>Period</u>	<u>Amount</u>	<u>House Rent Receipts. (Summary)</u>
P8A	20	N.K.K.Pandian	15/1/45	December 44	Rs.25	15th January 1945 to 15th January 1946.
P8B	22	Ditto	15/2/45	January 45	Rs.25	
P8C	24	Ditto	15/3/45	February 45	Rs.25	
P8D	26	Ditto	15/4/45	March 45	Rs.25	
P8E	28	Ditto	15/5/45	April 45	Rs.25	
P8F	30	Ditto	15/6/45	May 45	Rs.25	
P8G	32	Ditto	15/7/45	June 45	Rs.25	
P8H	34	Ditto	15/8/45	July 45	Rs.25	
P8I	36	Ditto	15/9/45	August 45	Rs.25	
P8J	38	Ditto	15/10/45	September 45	Rs.25	
P8K	40	Ditto	15/11/45	October 45	Rs.25	
P8L	42	Ditto	15/12/45	November 45	Rs.25	
P8M	43	Ditto	15/1/46	December 45	Rs.25	

Applicant's
ExhibitsEXHIBIT "12A-Pl2W". - SUMMARY OF HOUSE RENT
RECEIPTS

<u>"Pl2A-Pl2W"</u>	<u>Mark</u>	<u>No.</u>	<u>Payer</u>	<u>Date</u>	<u>Period</u>	<u>Amount</u>	
House Rent Receipts (Summary)	Pl2A	59	N.K.K.Pandian	15/9/46	August 46	Rs.25	
	Pl2B	99	Ditto	15/9/48	August 48	Rs.25	
15th September 1946 to 18th December 1948.	Pl2C	97	Ditto	15/8/48	July 48	Rs.25	
	Pl2D	47	Ditto	15/3/46	February 46	Rs.25	
	Pl2E	63	Ditto	15/11/46	October 46	Rs.25	
	Pl2F	61	Ditto	15/10/46	September 46	Rs.25	10
	Pl2G	57	Ditto	15/8/46	July 46	Rs.25	
	Pl2H	55	Ditto	15/7/46	June 46	Rs.25	
	Pl2I	53	Ditto	15/6/46	May 46	Rs.25	
	Pl2J	51	Ditto	15/5/46	April 46	Rs.25	
	Pl2K	89	Ditto	15/12/47	November 47	Rs.25	
	Pl2L	87	Ditto	15/11/47	October 47	Rs.25	
	Pl2M	85	Ditto	15/10/47	September 47	Rs.25	20
	Pl2N	81	Ditto	15/3/47	July 47	Rs.25	
	Pl2O	79	Ditto	15/7/47	June 47	Rs.25	
	Pl2P	77	Ditto	15/6/47	May 47	Rs.25	
	Pl2Q	75	Ditto	15/5/47	April 47	Rs.25	
	Pl2R	73	Ditto	15/4/47	March 47	Rs.25	
	Pl2S	71	Ditto	15/3/47	February 47	Rs.25	
	Pl2T	69	Ditto	15/1/47	January 47	Rs.25	
	Pl2U	67	Ditto (sic)	15/5/47	December 46	Rs.25	30
	Pl2V	91	Ditto	15/1/48	December 47	Rs.25	
	Pl2W	45	Ditto	15/2/46	January 46	Rs.25	

ON APPEAL
FROM THE SUPREME COURT OF THE ISLAND OF CEYLON

B E T W E E N :

NALLA KARUMBURU KAYAMBU SHAMUGAM
(Applicant)
Appellant

- and -

THE COMMISSIONER FOR THE REGISTRATION
OF INDIAN AND PAKISTANI RESIDENTS
Respondent

R E C O R D O F P R O C E E D I N G S

A.L. BRYDEN & WILLIAMS,
53, Victoria Street,
London, S.W.1.
Solicitors & Agents for the
Appellant.

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6, Westminster Palace Gardens,
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Solicitors & Agents for the
Respondent.