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Judgment  
21, 1965

IN THE PRIVY COUNCIL

No. 4 of 1963

ON APPEAL

FROM THE SUPREME COURT OF THE ISLAND OF CEYLON

B E T W E E N :

M.K.S. SEYED MOHAMED SHAREEF

Appellant

and

THE COMMISSIONER FOR THE  
REGISTRATION OF INDIAN AND  
PAKISTANI RESIDENTS

Respondent

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

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Solicitors for the Respondent.

ON APPEAL

FROM THE SUPREME COURT OF THE ISLAND OF CEYLON

BETWEEN

M.K.S. SEYED MOHAMED SHAREEF

and

Appellant

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

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1.

No. 1.

Application under Section 4(1) of  
the Indian & Pakistani Residents  
(Citizenship) Act, No. 3 of 1949

Application No. C/8009/  
G.C.

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

10 Application, under section 4(1) of  
the Act, for registration as a  
citizen of Ceylon by a person who  
is unmarried at the date of the  
application and is not a minor.

20 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 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 appli-  
cation. 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.

In the Supreme  
Court of the  
Island of  
Ceylon

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No. 1.

Application  
under Section  
4(1) of the  
Indian &  
Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

4th August,  
1951.

In the Supreme  
Court of the  
Island of  
Ceylon

No. 1.

Application  
under Section  
4(1) of the  
Indian &  
Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

4th August,  
1951.

continued.

(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. 10

(5) Where the applicant is an unmarried female having any illegitimate minor child or children of hers who is or are ordinarily resident in Ceylon and dependent on her, she is advised, if she desires to procure the registration of that child or those children simultaneously with her registration, to set out in paragraph 10 of, and in the Schedule to, the application such particulars relating to that child or those children as are required to be specified. Instead of including in the application a request for the registration of such minor child or children, the applicant may, by a subsequent letter sent to the Commissioner at any time before the disposal of the application, request the registration of such child or each such child as a citizen of Ceylon. Such letter shall contain the aforesaid particulars. 20 30

(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 40

and



3.

(b) who has emigrated therefrom and permanently settled in Ceylon, and includes a descendant of any such person.

In the Supreme Court of the Island of Ceylon

(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.

No. 1.

Application under Section 4(1) of the Indian & Pakistani Residents (Citizenship) Act, No. 3 of 1949.

10

I. SEYED MOHAMED SHAREEF SON OF MARRIKAR THAMBY KADERSAHIB SEYED AHAMED THAMBY

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.

4th August, 1951.

Continued.

20

II. I request that simultaneously with myself, my illegitimate minor child/each illegitimate minor child of mine mentioned in Paragraph 10 of this application be registered as a citizen of Ceylon.

III. I am an Indian Resident.

IV. I am an unmarried person and am not a minor.

30

V. I have been continuously resident in Ceylon during the period of ten years commencing on January 1, 1936, and ending on December 31, 1945.

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 laws of Ceylon.

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

40

(a) I shall be deemed in law to have

4.

In the Supreme Court of the Island of Ceylon

No. 1.

Application under Section 4(1) of the Indian & Pakistani Residents (Citizenship) Act, No. 3 of 1949.

4th August, 1951.

Continued.

renounced 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 status, 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. -

Signature of Applicant.

Witnesses:

1. Signature: Sgd. in Tamil M.S.S.Naina Mohamed

20

Name, M.S.S. Naina Mohamed  
occupation Merchant  
and address: 107-109 Bazaar Street,  
Chilaw.

2. Signature: Sgd. T.N.Hassanally

Name, T.N. Hassanally,  
occupation Merchant,  
and address: 96/4 & 5 Prince Street,  
Colombo 11.

Particulars

30

1. Full name: Seyed Mohamed Shareef son of Marrikar Thamby Kadersahib Seyed Ahamed Thamby.

5.

2. Full address: 96/4 & 5 Prince Street,  
Colombo 11.

In the Supreme  
Court of the  
Island of  
Ceylon

3. Sex: Male

4. Age: 23

No. 1.

Date of birth  
(if below 25  
years of age) : 1928.

Application  
under Section  
4(1) of the  
Indian &  
Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

5. Place of birth: Kilakarai,  
Ramnad District,  
South India.

4th August,  
1951.

10

6. The places of the applicant in Ceylon  
from January 1, 1936, to the date of  
this application, and the period of  
residence at each such place are  
stated in the Schedule to this  
application.

Continued.

7. Names, addresses and relationship to  
the applicant

Names	Addresses	Relationships
-------	-----------	---------------

20

8. If the Applicant has a business or  
employment claimed by him to be  
sufficient to support the Applicant  
and dependants, if any, the des-  
cription of the business or employ-  
ment.

Partner in business at 96/4 & 5 Prince  
Street,  
Colombo.

SCHEDULE.

30

(See paragraphs 6, and 11 above)

(Any place at which the applicant or an

In the Supreme  
Court of the  
Island of  
Ceylon

illegitimate minor child has resided for  
less than three months need not be  
mentioned)

No. 1.	Applicant	Approximate period of residence at each place of residence in Ceylon	10
Application under Section 4(1) of the Indian & Pakistani Residents (Citizenship) Act, No. 3 of 1949.	Places of residence in Ceylon from January 1, 1936, to the date of the appli- cation		
4th August, 1951.	From 1935 42 Bazaar St. Chilaw.	Dec. 1945	
Continued.	From Dec. 1945 53 & 55 4th Cross St. Colombo.	May, 1951	
	May 1951 96/4 & 5 Prince Street, Pettah	Now residing	20

AFFIDAVIT

I do solemnly, sincerely and truly  
declare and affirm that the foregoing  
particulars stated in this applica-  
tion are true, and I make this state-  
ment conscientiously believing the  
same to be true.

30

Affirmed at Colombo this 4th day of  
August 1951.

(sgd) -

Signature of Applicant.

Before me: Isadore Austin de Rosaire  
Name of Commissioner of Oaths

(sgd) - Commissioner of Oaths.

7.

No. 2.

NOTICE UNDER SECTION 9(1) OF THE  
INDIAN & PAKISTANI RESIDENTS  
(CITIZENSHIP) ACT, No. 3 of 1949

In the Supreme  
Court of the  
Island of  
Ceylon

No. 2.

Registered

My No. C.3009/G/C

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

NOTICE UNDER SECTION 9(1) OF THE ACT.

Notice under  
Section 9(1)  
of the Indian  
& Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

31st July,  
1956.

10 To: Mr. Seyed Mohamed Shareef son of  
Maraikarthamby Kadersahib Seyed Ahamed  
Thamby of 96/4 and 5 Prince Street,  
Colombo 11.

20 I GASTON JAYAWARDANA Deputy Commissioner  
for the registration of Indian and Pakistani  
Residents, do hereby give you notice, under  
section 9(1) of the Indian and Pakistani Resi-  
dents (Citizenship) Act, No. 3 of 1949, that  
I have decided to refuse your application under  
that Act dated 4th August 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.

Sgd.

Deputy Commissioner for the  
Registration of Indian and  
Pakistani Residents.

30 P.O. Box 587,  
Colombo.

31st July, 1956.

SCHEDULE

You have failed to prove:

1. that you are an Indian or Pakistani  
Resident. No evidence has been offered

In the Supreme Court of the Island of Ceylon

No. 2.

Notice under Section 9(1) of the Indian & Pakistani Residents (Citizenship) Act, No. 3 of 1949.

31st July, 1956.

that your origin or the origin of an ancestor of yours was in Pre-partition British India or an Indian State.

2. that you were resident in Ceylon during the period 1.1.1936 to 4.8.51, without absence exceeding 12 months on any single occasion.

3. that you were, on the date of your application, possessed of an assured income of a reasonable amount, or had some suitable business or employment or other lawful means of livelihood to support yourself.

10

4. that you had permanently settled in Ceylon.

5. that you were unmarried at date of application or in the alternative that your wife and dependent minor children, if any, were resident in Ceylon. Wife from first anniversary of Marriage and children from first anniversaries of birth to date of application without absence exceeding 12 months on any single occasion.

20

Sgd ... Deputy Commissioner.

No. 3.

Reply to Notice under Section 9 (1) of the Indian & Pakistani Residents (Citizenship) Act, No. 3 of 1949.

25th October, 1956.

No. 3.

REPLY TO NOTICE UNDER SECTION 9(1) OF THE INDIAN & PAKISTANI RESIDENTS (CITIZENSHIP) ACT, No. 3 of 1949.

30

HUSAIN & BROTHERS

DIRECT IMPORTERS & WHOLESALE MERCHANTS.

96, 4 - 5 Prince St., Colombo 11. Ceylon.

Date: 25th October, 1956

9.

The Commissioner,  
R.I. & P.R.  
Colombo, 1.

In the Supreme  
Court of the  
Island of  
Ceylon

Dear Sir,

No. 3.

C/8009/G.C.

I am in receipt of your letter No. 6/  
8009/G/C of 31.7.56 I have sufficient proof to  
satisfy the requirements of the Indian & Pakistani  
Residents (Citizenship) Act No. 3 of 1949.

Reply to  
Notice under  
Section 9(1)  
of the Indian  
& Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

10 I regret deeply to inform you that I  
was not given the opportunity to prove the issues  
raised by your letter of 31.7.56. I am confident  
that I can satisfy all the issues raised by you.

25th October,  
1956.

I shall be deeply obliged if you would  
kindly direct one of your officers to contact me  
(By appointment) to enable me to place all the  
documentary evidence in my possession as proof  
of my qualification for citizenship rights.

Continued.

Yours faithfully,

20 Sgd. M.K.S. Seyed Mohamed Shareeff

No. 4.

No. 4.

NOTICE UNDER SECTION 9(3)(a) OF THE  
INDIAN & PAKISTANI RESIDENTS  
(CITIZENSHIP) ACT, No. 3 of 1949.

Notice under  
Section 9(3)  
(a) of the  
Indian &  
Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

DEPARTMENT FOR THE REGISTRATION  
OF INDIAN AND PAKISTANI RESIDENTS

P.O. Box 587, Colombo.

14th March, 1957.

14th March,  
1957.

Sir,

30 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,

In the Supreme  
Court of the  
Island of  
Ceylon

No. 4.

Notice under  
Section 9(3)  
(a) of the  
Indian &  
Pakistani  
Residents  
(Citizenship)  
Act, No. 3 of  
1949.

14th March,  
1957.

Continued.

for inquiry under Section 9(3)(a) at this  
office, 1st Floor Sime's Building Colombo on  
3rd April, 1957.

2. You should attend at 2.30 p.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. 10

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 indicate 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 application is liable to be refused. 20

I am, Sir,  
Your obedient servant

Sgd. Illegibly

Deputy Commissioner.

Mr. Seyed Mohamed Sahreef son of Marikarthamby  
Kadersahib Seyed Ahamed Thamby,  
96/4 & 5, Prince St., Colombo 11.

Requirements referred to:-

1. that you are an Indian or Pakistani  
Resident. No evidence has been offered  
that your origin or the origin of an  
ancestor of yours was in Pre-partition  
British India or an Indian State. 30
2. that you were resident in Ceylon during  
the period 1.1.36 to 4.8.51, without  
absence exceeding 12 months on any single  
occasion.
3. that you were on the date of your appli-



11.

cation, possessed of an assured income of a reasonable amount or had some suitable business or employment or other lawful means of livelihood to support yourself.

In the Supreme Court of the Island of Ceylon

4. that you had permanently settled in Ceylon.

No. 4.

5. that you were unmarried at the date of application or in the alternative that your wife and dependent minor children if any, were resident in Ceylon wife from first anniversary of marriage and children from first anniversary of birth to date of application, without absence exceeding 12 months on any single occasion.

Notice under Section 9(3) (a) of the Indian & Pakistani Residents (Citizenship) Act, No. 3 of 1949.

Sgd. D.T. de S. Gunawardena  
Deputy Commissioner.

14th March, 1957.

Continued.

No. 5.

No. 5.

LETTER FROM DEPUTY COMMISSIONER TO APPELLANT

Letter from Deputy Commissioner to Appellant

Office of the Commissioner for the Registration of Indian & Pakistani Residents, P.O. Box 587, Colombo 1.

18th March, 1957.

18th March, 1957.

Sir,

Registration under Act No. 3 of 1949

With reference to my notice of inquiry dated 14.3.57, I have the honour to inform you that the enquiry fixed for 3rd April, 1957 is cancelled.

The enquiry into your application for registration under the above Act, is refixed for 22nd April, 1957 at 9.30 a.m. at this Office, 1st Floor, Sime's Building, Colombo.

I am, Sir,  
Your obedient Servant,  
Sgd.  
Deputy Commissioner.

12.

In the Supreme  
Court of the  
Island of  
Ceylon

Mr. Seyed Mohamed Shareef son of Marikarthamby  
Kadersahib Seyed Ahamed Thamby  
96/4 & 5, Prince Street,  
Colombo 11.

No. 5.

Letter from  
Deputy  
Commissioner  
to Appellant

D.C.

There are no records re an application for  
remittance made by the Applicant.

18th March,  
1957.

Intld .....

12/4/57

Continued.

Before the  
Deputy  
Commissioner

No. 6.

10

EVIDENCE OF SEYED MOHAMED  
SHAREEF

No. 6.

Evidence of  
Seyed Mohamed  
Shareef.

C.8009/G/C

For enquiry at 9.30 a.m. on 22.4.57. The  
applicant is present with Mr. B.H. Aluwihare,  
Advocate instructed by Mr. S. Kanagaratnam,  
Proctor. The issues are taken as understood.  
The applicant is ready for enquiry.

Syed Mohamed Shareef. 30 years, affirmed. My  
parents brought me to Ceylon when I was 5 or  
6 years old. I have no idea when they came.  
I was in the year 1928 in India. I did not  
attend school in India. I produce my birth  
certificate A & School certificate A2. I  
attended the Firindi Ela Tamil School. I was  
at that school from 1935 to 1943. After  
leaving school I was helping my brother in  
his business, as Hawkers. We were hawkers at  
Kurunegala dealing in combs, mirrors etc. The  
assistance I gave my brother was in carrying  
the goods. We started this business at the  
beginning of the year 1944. We did this  
business for 3 years throughout at Kurunegala.  
I then got employment in Colombo under S.U.M.  
Mohamed Jamaldeen & Bros. (Ceylon) Ltd. I

20

30

produce their certificate A6. I joined there in March 1947. I continued there till May, 1951. I was a salesman at this establishment. I left this employment because I wanted to start my own business. I had capital of about Rs.500/- to start this business. I started my business at No. 96 Prince Street, Colombo in June 1951. I started this business in partnership with S.V.M. Seyed Ibrahim and T.N. Hassanally. There were also M.K.S. Hussain Abdul Cader, M.K.S. Nenia Mohamed Sahib. We started dealing in hardware and sundry goods such as mirrors and combs and small articles. I correct myself, when I started business in June 1951 my business partners were M.K.S. Hussain Abdul Cader, M.K.S. Nenis Mohamed and myself. We were dealers in hardware & sundries. We had our business at 96 Prince Street, Colombo. We carried on business under the name of Hussain Ismail & Company. I contributed Rs.2,500/-. I had Rs.500/- of my own and my brother Mr. K.S. Hussain Abdul Cader provided Rs.2000/-. This brother was himself a partner who contributed Rs. 5000/- and the other partner also contributed Rs. 2500/-. We continued this business till 1951. This business not profitable & we had not sufficient capital and we therefore wound up the business. I cannot say what the losses were like. My brother was in charge of the business. I and the other partner Nenis Mohamed were active partners. I cannot give a proper account of the business matters because my brother was in charge. The books relating to this business were probably destroyed. After wounding up this business we started another under the name of Akfar Trading Company at the same premises. The partners in this business were S.V.S. Seyed Ibrahim. M.K.S. Hussain Abdul Cader, myself M.K.S. Naina Mohamed Saib and T.N. Hassanally. The business was dealing in hardware and sundries. The balance of this capital in the old business was reinvested in this business. T.N. Hassanally and S.V.S. Seyed Ibrahim were new partner. I cannot say how much they contributed towards this business. I produce A8 and A9 the balance sheet relating to the business of Akfar Trading Company for the period 3.8.51 to 31.3.52 and 1.4.52 to 15.6.52. We carried on this business for about 7 months and wound it up. The reason was disagreement

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 6.

Evidence of  
Seyed Mohamed  
Shareef.

Continued.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 6.

Evidence of  
Seyed Mohamed  
Shareef.

Continued.

between partners. We incurred no losses in this business. The business was closed in May or June 1952. We then started the business of Hussain & Bore at the same premises. This we started in July 1952. This business was in Sundry goods and in not hardware. The partners were M.K.S. Hassain Abdul Cader, myself and M.K.S. Nanis Mohamed Sahib and M.K.S. Mohamed Abook Bucker Shaib. These others were all brothers. 10  
The entire capital was Rs. 35,000/- I am unable to say what individual contribution were. I produce A 10 to A 13 the balance sheets of this business for the period 1953 to 1956. We are still continuing this business. My parents first came to Chilaw directly they came from India. On this occasion which was my parents first visit to Ceylon. My parents brought me and an elder and younger brother. My father was already running a business there. This was really the mother's first visit. My parents were at Chilaw for 4 or 5 years. My father went to Rangala to open a business in tea. My mother did not go as all the acquaintances were at Chilaw. I went with my father. My mother continued to live at Chilaw. My father did business at Rangala for 7 or 8 years. In 1943 he went to Nagoor on pilgrimage and he died there. After my father's death I continued to attend School at Rangala. I lived for 4 or 5 months with acquaintance of my father. My brother left at 85 Bazaar Street, Kurunegala with M.P.M.S. Mohamed and my brother took away my mother to India. My mother did not return to Ceylon. She died in 1948. My brother returned from India - after leaving mother in one month. We started as hawker in January, 1944 and carried till somewhere in February, 1947. All along we lived at 85 Bazaar Street, Kurunegala. I then got employment in Colombo. I have made 5 visits to India. These were in May or June 1944 next were in 1945. Again in 1946, 1948 and 1952. The first three visits were to see my mother. The 4th was to see my mother who was seriously ill. In 1952 I went to Nagoor on pilgrimage. Since 1952 I made no visit to India. I have not remitted money to India. 20  
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Examined by me:

I told the man who entered the particulars in my application that I resided at 53 & 55 - Fourth Cross Street, Colombo from 1947 to 1951. I don't know English. It is possible that this man incorrectly entered period December 1945 to May 1951 as residence at 53 & 55 Fourth Cross Street, Colombo. I left this address in 1951 and went to 96 Prince Street, Colombo. I have given the address 42 Bazaar Street, Chilaw as residence between the period 1935 to 1945 because when I was small and my parents came to Ceylon, they lived there. I produce A3 to A5 certified extract of surrender certificates on the occasion of my visits to India.

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In the Supreme Court of the Island of Ceylon

Before the Deputy Commissioner

No. 6.

Evidence of Seyed Mohamed Shareef.

Continued.

Examined by Mr. Aluwihare

I was about 15 or 16 years old when my father died. After that my eldest brother M.K.S. Mohamed Hussein Abdul Cader acted as my guardian. He introduced me into the partnership business and managed the business. My brother Aboobucker was born in India after my parents came to Ceylon. My mother went to India for her confinement. I produce A3 to A5 to show that I have not been away for more than 4 months on each occasion. I have not made any visits to India other than the ones I have already mentioned in evidence. As my mother lived at Chilaw I gave my residence during 1935 to 1945 as Chilaw. I intend to make Ceylon my home. I have no property in India and no interest in Ceylon. All my brothers are in Ceylon and my eldest is already a registered citizen.

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No. 7.

EVIDENCE OF MOHAMED ABDUL CASSIM SAIG DAWOOD.

No. 7.

Evidence of Mohamed Abdul Cassim Saig Dawood.

Mohamed Abdul Cassim Saig Dawood

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54 years, affirmed.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 7.

Evidence of  
Mohamed Abdul  
Cassim Saig  
Dawood.

Continued.

I am not a Ceylonese. I am not an applicant for citizenship. I came to Ceylon in 1912. I am the Accountant at S.V.M. Mohamed Jamaludeen & Bros. (Ceylon) Ltd. at 53 and 55, Fourth Cross Street, Colombo. I joined this establishment as accountant, in 1940 and continued in that capacity up to now. I know the applicant M.K.S. Shariff. I came to know him 1947. He joined the establishment as a salesman. He continued in service till 1951. He left us because he wanted to start business with his brothers. During this period the applicant paid a visit to India during the later part of 1948. He may have been away for 3 months. I cannot be exact. The certificate A6 has been signed by Ahamed Jamaludeen, the managing partner of the establishment. Particulars regarding salaries paid given in the certificate are entered in the ledgers. The ledgers for the period 1947 to 1951 are in India for purposes of income tax. These have been removed in connection with an income tax appeal. Particulars about employees are entered in the shop act book the information in the certificate are not extracts from that book. The shop Act book contains particulars regarding the joining, visits to India and return to Ceylon and of leaving the firm. I as accountant maintains this book. During my absence some one else in the shop maintains the book. Information regarding salaries paid contained in A6 - have been extracted from a rough book which is not produced. I produce the shop Act register for the period March 1947 to May 1951. Where the name of the applicant appears regularly every month except for the months November, 1948 to April 1949 where the applicant was away in India.

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Mr. Aluwihare has no question to ask the question.

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No. 8.

Evidence of  
Mana Pana Muna  
Chena Mohamood

No. 8.

EVIDENCE OF MANA PANA MUNA CHENA  
MOHAMOOD

Mana Pana Muna Chena Mohamood.

56 years, affirmed.

I am not a Ceylonese. I was an applicant for Citizenship but I withdrew my application as some of my relatives failed to get themselves registered. I came to Ceylon in 1909 and ever since have lived in Ceylon, except for periods of absence in India. I am doing business at Kurunegala in hardware. I established the business in 1930. I know the applicant Seyed Mohamed Shariff. I knew the applicant since childhood in fact since infancy. In fact his parents home in India adjoins mine. In Ceylon I met him in 1943 or between 1943 and 1944. On this occasion the applicant came to me with three others. They came for the purpose of doing business, as hawkers. They started as hawkers in the beginning of 1944. They lived at my store at No. 7 Square Lane, Kurunegala. Throughout their stay at Kurunegala they lived at these premises. I am certain about this. They carried on business as hawkers for about 3 years. After that they left for Colombo. Income as hawkers was not prosperous and they therefore left Kurunegala. When applicant left Kurunegala he came directly to Colombo. I cannot say whether he got employment immediately. I met applicant at Mohamed Jamaludeen Bros with whom I have business transaction. Two or three months after applicant came to Colombo I met him at Jamaldeen. I have regular business dealings with Jamaludeen. I have these dealings even now. Applicant was at Jamaludeen for about 2 or 3 years but I cannot be certain. During the period the applicant was at Kurunegala he paid 3 visits to India. I cannot mention the year. He was away 2 or 3 months. I am certain he was not away for more than 3 months. I cannot say whether applicant remitted money to India.

Examined by Mr. Aluwihare

I came from the same village Keelakari in India as the applicant. I still visit the place. I cannot say whether applicant has property in India. As far as I am aware I am certain the applicant has no property in India.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 8.

Evidence of  
Mana Pana Muna  
Chena Mohamood.

Continued.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 8.

Evidence of  
Mana Pana Muna  
Chena Mohamood.

Re-examined by me:

The applicant's parents had their home in India. Since then the neighbours have purchased the property. I was told that applicant's mother lived in Chilaw. I don't know when she came. She died in India 7 or 8 years ago. I cannot say who maintained her in India.

At this stage Mr. Aluwihare admits he did not mark any documents as A7 since the shop act books are not productions. He also states that there are no more witnesses and no documents to produce.

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I inform applicant and Messrs. Aluwihare and Kanagarathinam that a date for resuming inquiry will be communicated to the applicant in due course.

Sgd.  
Deputy Commissioner.

No. 9.

Letter from  
Deputy  
Commissioner,  
Kandy to  
Deputy  
Commissioner  
(Admn)

20th July,  
1957.

No. 9.

LETTER FROM DEPUTY COMMISSIONER, KANDY  
TO DEPUTY COMMISSIONER (ADMN)

CONFIDENTIAL

My No. C.8009/G/C

Registered Post

20th July, 1957.

G.M. Udalagama Esqr.,  
Deputy Commissioner (Admn)  
Kandy

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Application for Registration as a citizen of Ceylon. Mohamed Shareef son of Marikarthamby Kader Sahib Seyed Ahamed - No. 96/5, Prince Street, Colombo.

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I enclose a copy of a School Schedule



handed by the applicant at the enquiry held by me. Although the Schedule has been issued under date 1.12.43, the writing appears to have been done recently. I shall be grateful if you will please detail an Investigating Officer to visit the school and check up the genuineness of the School Schedule. He should report whether the School register from which the particulars have been extracted was made available for his inspection and whether he is satisfied that the particulars in the Schedule are correct.

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Sgd. illegibly

20.7.57.

Deputy Commissioner.

In the Supreme Court of the Island of Ceylon  
Before the Deputy Commissioner  
No. 9.  
Letter from Deputy Commissioner, Kandy to Deputy Commissioner (Admn)

20th July, 1957.

Continued.

No. 10.

REPORT ON SCHOOL CERTIFICATE (SCHEDULE Q).

No. 10.

Report on School Certificate (Schedule Q)

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Report on copy of School Schedule (Q) -  
INO/9.C.8009/G/C

2nd September, 1957.

I examined the original of the Schedule Q in the Q Schedule book of the K/Bopitiya Estate Tamil School. The following is a copy of the original.

Name: M.K.S. Mugahamed Sheriff

Date of withdrawal: 1.12.43.

Admission number: 8. ....1935

Signature of Teacher.

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It would appear from the above that the copy handed over to you is not a true copy of the original which does not contain the date of admission except the year. The pupil's age is not given nor the standard passed with subjects.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

The Head Teacher could not have issued this Q Schedule on 1.12.43 because the Q Schedule leaf prior to this gives the date of withdrawal of a student as 1.1.52 and the Q Schedule following this gives the date of withdrawal as 1.9.53. Therefore he should have issued this Q Schedule sometime between 1.1.52 and 1.9.53.

No.10.

Report on  
School  
Certificate  
(Schedule Q)

When I asked the Head Teacher for the examination Schedule Book from which he would have taken these particulars he told me that it was lost in December, 1953.

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Admission and Withdrawal Register

2nd September,  
1957.

The first 23 pages of the old admission and withdrawal register are missing. On page 25 is a fresh registration which is not in chronological order. There are two other fresh registrations on P.24 and P.37. This name appears on P.37, which is towards the end of the book giving the admission No. 8 and the date of admission and withdrawal as 17.11.35 and 1.12.43 respectively. It does not give the last standard passed. The writing appears to be fresh. On asking the teacher from where he obtained these particulars he said it was from the old Register whose pages are missing.

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Continued.

Sgd. illegibly

2.9.57.

No.11.

Letter from  
Deputy  
Commissioner  
to Deputy Food  
Controller.

No. 11.

LETTER DEPUTY COMMISSIONER TO  
DEPUTY FOOD CONTROLLER

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Registered

My No. C.8009/G/C

6th September, 1957.

6th September,  
1957.

The Deputy Food Controller,  
Kurunegala.

21.

Registration under Act No. 3 of  
1949

I forward herewith 3 copies of Certified Extracts of a Surrender Certificate and shall thank you to let me know whether they are genuine.

2. The application has been fixed for enquiry on 14th September, 1957 and I would be obliged if your reply is sent to reach me before that date.

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Sgd. illegibly  
Deputy Commissioner.

No. 12.

LETTER FROM DEPUTY COMMISSIONER  
TO APPELLANT

Registered.

My No. C.8009/G/C

Office of the Commissioner  
for the Registration of  
Indian & Pakistani Residents,  
P.O. Box 587, Colombo 1.

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7th September, 1957.

Sir,

Registration under Act No.  
3 of 1949

With reference to your application for registration under the above Act, I have the honour to inform you that the inquiry into your application will be resumed on Saturday 14th September 1957 at 9.30 a.m. at this office 1st Floor Sime's Building, Colombo. As the

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In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 11.

Letter from  
Deputy  
Commissioner  
to Deputy Food  
Controller.

6th September,  
1957.

Continued.

No. 12.

Letter from  
Deputy  
Commissioner  
to Appellant.

7th September,  
1957.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 12.

Letter from  
Deputy  
Commissioner  
to Appellant.

7th September,  
1957.

Continued.

work in the Department is to be brought to  
a close this month, the inquiry must be  
closed on that day.

2. I desire to re-examine the shop Act  
Register of Messrs. S.V.M. Mohamed Jamaldeen  
& Bros, for the period March 1947 to May  
1951 and you should therefore arrange for  
your witness Mr. M.A.C.S. Dawood to be  
present with the Register. If necessary  
I am prepared to issue summons on the  
witness. You should also arrange for the  
production of ledgers of Messrs. S.V.M.  
Mohamed Jamaldeen & Bros for the period  
1947 to 1951. If these are not available,  
the witness Mr. M.A.C.S. Dawood should pro-  
duce the "rough register" which he testified  
was the one from which particulars regarding  
your period of service, salaries and bonuses  
paid were extracted for the issue of certi-  
ficate of 5.4.57 by Messrs. V.M.M. Jamaldeen  
& Bros, (Ceylon) Ltd. produced on the last  
date of enquiry.

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I am Sir,

Your obedient Servant.

Sgd.

Deputy Commissioner.

Mr. Seyed Mohamed Shareef,  
s/o Marikarthamby Kadersahib Seyed  
Ahamed Thamby,  
96/4 & 5 Prince Street,  
Colombo 11.

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No. 13.

Letter from  
Deputy  
Commissioner  
to Director  
of Education

7th September,  
1957

No. 13.

LETTER FROM DEPUTY COMMISSIONER  
TO DIRECTOR OF EDUCATION

My. No. C. 8009/G/C

7th September, 1957

The Director of Education,  
Colombo.

Registration under Act No. 3 of  
1949

I shall be much thankful if you will kindly let me know whether K/Bopitiya Tamil Mixed School is a Government Assisted School and whether the Department has administrative control over the School. This information is required in connection with an application for citizenship fixed for inquiry on 14th September, 1957, and I shall be obliged if your reply is sent to reach me before that date.

Sgd. illegibly

Deputy Commissioner.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 13.

Letter from  
Deputy  
Commissioner  
to Director  
of Education

7th September,  
1957.

Continued.

No. 14.

LETTER FROM DEPUTY FOOD CONTROLLER  
TO DEPUTY COMMISSIONER

Registered.

The Deputy Commissioner,  
Registration of Indian & Pakistani Residents.

Three Certified Extracts of  
Surrender  
Certificates issued to Mr.  
M.K.S. Sharief.

Three (3) Certified Extracts of Surrender certificates have been issued to Mr. M.K.S. Sharief on 12.4.57, according to the particulars given in the three copies of the Certified Extracts of Surrender Certificates returned herewith.

Sgd. illegibly  
for D.F.C., Kurunegala.

The Kachcheri, Kurunegala.  
11th September 1957.

No. 14.

Letter from  
Deputy Food  
Controller to  
Deputy  
Commissioner

11th September,  
1957.

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In the Supreme  
Court of the  
Island of  
Ceylon

No. 15.

EVIDENCE OF MOHAMED ABDUL CASSIM  
SAIG DAWOOD (Continued)

Before the  
Deputy  
Commissioner

C.8009/G/C

No. 15.

Evidence of  
Mohamed Abdul  
Cassim Saig  
Dawood (cont)

Enquiry to be resumed at 9.30 a.m. on 14th  
September, 1957.

The applicant is present with Mr. B.H.  
Uluwihare Advocate.

Mr. A.C.S. Dawood.

Accountant, Messrs. S.V.M. Mohamed Jamaldeen  
& Bros. (Ceylon) Ltd. I produce the shop Act  
Register for the period 1947 to 1951 maintained  
by Messrs. S.V.M. Mohamed Jamaldeen & Bros.  
(Ceylon) Ltd. according to these records the  
applicant, S.M. Shariff had started his  
employment in March 1947 and continued till  
19.11.48, when he went on leave. He resumed  
work in May 1949 and continued till May 1951,  
when he left the firm. I don't know what he  
did after that.

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At this stage I examine and initial  
the register produced. The dates given by  
witness are correct.

Evidence resumed.

I produced the ledgers for the period  
April, 1948 to May 1951, which contain entries  
in respect of salary paid to S.M. Shariff.  
This confirms the entries in the shop act  
Register the applicant's absence from service  
during the period November, 1948 to May 1949.

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The enquiry is adjourned at this stage. I  
inform the applicant and Mr. Aluwihare that a  
date for resuming enquiry will be notified to  
him in due course.

Sgd. D.T. de S. Gunawardena

14.9.57

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Mr. B.H. Aluwihare Advocate, telephoned me and

25.

says that his client has got down the School Master who issued the "Q" Schedule - at folio 71 - from Jaffna where he enjoying his School holidays and enquires whether I cannot fix time to have his evidence recorded. I inform Mr. Aluwihare that it is difficult immediately in view of my programe of work already arranged to fix a time a short notice but that if he attends with his client and the witness on Saturday 21st September, 1957 I would endeavour to find some time to record the evidence of the witness.

Sgd. D.T. de S. Gunawardena  
D.C.

19.9.57.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 15.

Evidence of  
Mohamed Abdul  
Cassim Saig  
Dawood (cont)

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No. 16.

LETTER FROM DIRECTOR OF EDUCATION  
TO DEPUTY COMMISSIONER

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

Registration under Act  
No. 3 of 1949

Reference your letter No. C.8009/G/C of 7.9.57 I have to inform you that the K/Bopitiya Estate Tamil Mixed School is a school run by the estate receiving assistance from the Government. Its work is supervised by the Education Department.

Sgd. illegibly

for Director of Education.

Education Department,  
Colombo 2. 17th September, 1957.

No. 16.

Letter from  
Director of  
Education to  
Deputy  
Commissioner

17th September,  
1957.

26.

In the Supreme  
Court of the  
Island of  
Ceylon

No. 17.

LETTER FROM DEPUTY COMMISSIONER  
TO DIRECTOR OF EDUCATION

Before the  
Deputy  
Commissioner

19th September, 1957

The Director of Education,  
Colombo

No. 17.

Letter from  
Deputy  
Commissioner to  
Director of  
Education.

Application for Registration as  
a Citizen of Ceylon under Act No.  
3 of 1949, Seyed Mohamed Shareef  
son of Maraikarthamby Kader Sahib  
Seyed Ahamed Thamby

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19th September,  
1957.

I forward herewith a copy of a  
Schedule Q. issued by the Head Teacher of  
K/Bopitiya Estate Tamil Mixed School and a  
copy of the report of my Investigating  
Officer made thereon. Please be good enough  
to direct one of your officers to look into  
this matter and report on the genuineness of  
the School Schedule furnished by the appli-  
cant. I shall be much thankful, if your  
reply to me can be expedited as the appli-  
cation has to be finally disposed of before  
the end of this month.

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Sgd. illegibly.

19.9.57.

Deputy Commissioner.

No. 18.

No. 18.

Evidence of  
Sabapathy  
Ponniah

EVIDENCE OF SABAPATHY PONNIAH

21/9/57.

10.30 a.m.

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The applicant is present with  
Mr. B.H. Aluwihare Advocate. Mr. Aluwihare  
desires that the evidence of the School  
Master who issued the School Schedule Q



dated 1.12.43 - at folio 71 - be recorded.

Sabapathy Ponniah

49 years. Affirmed.

I am the Head Teacher of the K/Bopitiya Estate Tamil Mixed School since 1935. I continue in that capacity even now. I am the Head Teacher and the only teacher. (Shown the School Schedule P.71) - the schedule was issued by me. The signature on the document is mine. I issued the certificate (Schedule) in the year 1951. I have read the particulars in the Schedule now. They are correct. Normally these particulars are taken from admission Register. Examination Schedule and Log Books. The particulars entered in the admission Register are - date of admission, age of the student, name of parent or guardian, address of parent or guardian. It contains the date of withdrawal. This date is actually entered on the date the pupil is withdrawn from the school. The admission register will also contain the admission number. The standard of the pupil is also entered in the Register. The examination Schedule will contain the name of child, age, the number of days attended during the year and the subjects studied and passed. These particulars are not entered in the admission Register. Attendance register is entered annually where a pupil is withdrawn only the date of leaving is entered in the admission register. The Government gave assistance from the year 1935 and Inspector of the Department examined the register annually a "Q" Schedule register with foil and counter foil is maintained at the school. The counter foil does not contain all the particulars given in the foil of "Q" Schedule. The counter foil contains particulars of name of pupil, date of admission and date of withdrawal. No particulars of standard passed and etc. are entered. No pupil Record Schedule issued to a pupil in an estate school. If the pupil applies for a certificate, I issue a certificate - this is not done on a printed form. A "Q" Schedule is issued only if a pupil applies for it. If a pupil does not apply, a "Q" Schedule is not issued. A pupil wishing to join another School for higher studies will be issued a "Q" Schedule and no other certifi-

In the Supreme  
Court of the  
Island of  
Ceylon

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Before the  
Deputy  
Commissioner

No. 18.

Evidence of  
Sabapathy  
Ponniah

Continued.

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In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 18.

Evidence of  
Sabapathy  
Ponniah

Continued.

cate. In December 1953, the school Inspector inspected my books and after this the admission Register and Log Book were sent to the Superintendent for his information. It is the order of the Superintendent that they should be submitted. The old attendance Registers and the 4 unused attendance registers. Schedule Book, Examination Register, slates, books and my own belongings were inside the almirah at my residence a few yards from the school. The school closed on 12th December 1953 and the books were submitted to the Superintendent and I went to my home in Jaffna. I returned on receiving a Telegram about the burglary at my residence and found that the slates books all old attendance registers, one new attendance register, Examination Schedule - the "Q" Schedule book was in school drawer. The drawer was small and therefore the other registers were taken to my home. The School room windows were not secure and I removed the other registers to my estate home. In December 1953, the Superintendent of the estate reported the burglary and the loss of the registers to the Education Department. Details of the books lost were mentioned by the Superintendent Mr. Pope to the Director of Education. All the registers that I removed home, except 3 new attendance registers were lost in the burglary. I am certain that the "Q" Schedule at (71) was issued by me in the year 1951. I cannot remember the month. The pupil's age is not entered in the counterfoil of the "Q" Schedule Book. The admission number is entered. Standard passed and other particulars are not entered in the counter foil. I deny that the "Q" Schedule at (71) was issued at a date between 1/1/52 and 1/9/53. "Q" Schedules are issued as they are applied for. The date of issue of the "foil" of "Q" Schedule was entered in the counterfoil only from a date in 1953. When an Inspector of the Education Department requested me to do so. Prior to this date I did not enter the date of issue of Schedules. There would be no reference to this in the Log Book. The instructions given by an Inspector are not entered anywhere. I do not know whether such instructions are entered in his own diary. There are only 2 admission registers with me.

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registers with me. The earlier ones commences with the year 1935 and the second from a date where the last ended. I cannot recall the last date in the first book. The old admission register contained earlier only from folio No. 22 Folio 1 - 21 were left blank because the particulars required to be entered applied only to a Management School. Folio 22 onwards contained particulars relating to estate school.

10 I therefore, started my entries from folio 22. I cannot say how many folios there are in each register. The second admission register will contain only entries from folio 22. I am certain that the commencing folio in the second register will contain an "admission number" following the last admission number in the first register. I admit that the first 23 folios in the register are missing. This register was taken to the estate Office on many an occasion for the Investigation of this Department to examine and in the process the loose leaves had dropped. When I found the leaves dropping, I had the book pasted but the constant use could not prevent the further loss folios. I agree that by a further use I may lose folios containing my entries also. I found that folios 21 and 22 were loose. On the instructions of the Superintendent of the estate I transferred the particulars to the new register - i.e. I transferred the particulars contained in folio 22 and 23 to folios 37 and 38 in the new register. It may be that I have continued the entries into folio 39 of the new register. I am certain that folio 37 in the new register was the first blank page available to me to make these entries. I did not get these new entries authenticated by a responsible person. I lost the original folio 21 and 22 in the old register in the process of the register being carried from the school to the office. I fastened the remaining folios in the old admission register and therefore did not transfer these entries into the new register. The Superintendent of the estate gave me oral instructions to transfer the entries on these folios only into the new register. I agree that the prudent thing to have been done was to transfer all the entries in the old register into a new register and preserved the old register. I am unaware of entry at page 25 which is not in chronological order or that these are fresh registration at

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In the Supreme Court of the Island of Ceylon

Before the Deputy Commissioner.

No. 18.

Evidence of Sabapathy Ponniah

Continued.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 18.

Evidence of  
Sabapathy  
Ponniah

Continued.

page 25 and 27 in either the old or the new admission Registers. I admit that page 37 in the new register contains particulars relating to the applicant Mohamed Sahriff. The transferred item would not contain the last standard passed. The standard passed would not at any stage be entered in the admission register. The entries are fresh because there were new entries made on the instructions of the Superintendent.

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Examined by me Aluwihare:

I started entering the date of issue of the "Q" schedule from a date in 1953 when an Inspector of the Education Department instructed me to do so. When the Superintendent asked me to transfer entries of two torn pages in the old admission register, the Superintendent of the Estate - Mr. Hope told me that he would take the responsibility for it. In the second admission register the first 22 pages are blank.

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At this stage I adjourn enquiry as the time is 1 o'clock.

Mr. Aluwihare tells me that the applicant would endeavour to ask the School Teacher to produce his register but no date can be mentioned now. Enquiry into the other issues also remains to be done. I therefore inform Mr. Aluwihare and the applicant that I will not fix a date for resumption of enquiry until I hear from them. I inform them however that this must be done during the course of the next few days.

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Sgd. D.T. de S. Gunewardena

Deputy Commissioner.  
2.9.57.

No. 19.

No. 19.

Letter from  
Director of  
Education to  
Commissioner

LETTER FROM DIRECTOR OF EDUCATION  
TO COMMISSIONER

The Commissioner,  
Registration of Indian and Pakistani  
Residents.

Application for Registration as a  
Citizen of Ceylon under Act No. 3  
of 1949.  
Seyed Mohamed Shareef son of  
Marikarathamby Kader Sahib Seyed  
Ahamed Thamby

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 19.

Letter from  
Director of  
Education to  
Commissioner

26th September,  
1957.

Continued.

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Your papers have been sent to the  
Education Officer, C.P., Kandy, for report  
and a reply will be sent to you on hearing  
from E.O.

Sgd. illegibly  
for Director of Education.

Education Department,  
Malay Street,  
Colombo 2.  
26th September, 1957.

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No. 20.

LETTER FROM DEPUTY COMMISSIONER  
TO DIRECTOR OF EDUCATION

Office of the Commissioner for  
the Registration of Indian &  
Pakistani Residents, P.O.Box 587,  
Colombo 1.

25th October, 1957.

The Director of Education,  
Colombo.

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Application for Registration as a  
Citizen of Ceylon under Act No. 3  
of 1949  
Seyed Mohamed Shareef son of  
Maraikarthamby Kader Sahib Seyed  
Ahamed Thamby

No. 20.

Letter from  
Deputy  
Commissioner  
to Director  
of Education.

25th October,  
1957.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 20.

Letter from  
Deputy  
Commissioner  
to Director  
of Education

25th October,  
1957.

Continued.

Reference your letter No. ASP/2109 of  
26th September, 1957, I now enclose an extract  
from the evidence given by the School Master  
before me. I shall be glad if you will please  
forward this to your Education Officer to  
assist him in his investigation.

Sgd. illegibly

25.10.57.

Deputy Commissioner.

No. 21.

Letter from  
Deputy  
Commissioner  
to Director  
of Education.

15th November,  
1957.

No. 21.

LETTER FROM DEPUTY COMMISSIONER  
TO DIRECTOR OF EDUCATION.

15th November, 1957.

The Director of Education,  
Colombo.

Application for Registration as a  
Citizen of Ceylon under Act No. 3  
of 1949

Seyed Mohamed Shareef son of  
Marikarthamby Kader Sahib Seyed  
Ahamed Thamby.

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I shall be grateful if you could secure  
the report of the Education Officer, C.P.,  
without further delay. The report that you  
will furnish will be material in the disposal  
of the application for citizenship. The  
recording evidence on behalf of the applicant  
has almost been completed but I am unable to  
close the enquiry in the absence of a report  
from your.

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2. In this connection I would refer to my letter of 25th October, 1957, wherewith I enclosed an extract from the evidence given by the School Master before me.

In the Supreme Court of the Island of Ceylon Before the Deputy Commissioner No. 21. Letter from Deputy Commissioner to Director of Education. 15th November, 1957. Continued.

Sgd. illegibly.  
15.11.57.  
Deputy Commissioner.

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No. 21A.  
LETTER FROM DEPUTY COMMISSIONER  
TO DIRECTOR OF EDUCATION

REGISTERED  
URGENT.

My. No. C.8009/G/C  
31st December, 1957.

Your No. ASP/2109 of 26.9.57.

The Director of Education, Colombo.

Application for Registration as a Citizen of Ceylon under Act No. 3 of 1949 - Seyed Mohamed Shareef son of Mariakarthamby Kader Sahib Seyed Ahamed Thamby.

No.21A.  
Letter from Deputy Commissioner to Director of Education 31st December, 1957.

20

I enclose a copy of my letter to you of 15th November 1957. I am unable to close my enquiry into the application made for citizenship by the abovenamed, in the absence of your report. Counsel for applicant interviewing me presses that the application be disposed of without delay.

I shall be very grateful if your report can be sent without further delay.

Sgd.  
Deputy Commissioner.

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No. 22.  
LETTER FROM DIRECTOR OF EDUCATION  
TO DEPUTY COMMISSIONER

The Deputy Commissioner of Registration of Indian & Pakistani Residents, Colombo.

The immediate attention of the Education Officer, C.P., Kandy has been invited by wire on 31.12.57 and his reply is awaited.

No. 22.  
Letter from Director of Education to Deputy Commissioner. 2nd January, 1958.

In the Supreme Court of the Island of Ceylon Before the Deputy Commissioner.

No. 22.  
Letter from Director of Education to Deputy Commissioner.  
2nd January 1958.  
Continued.

2. Reference your letter No. C.8997/L/C of 31.12.57 a reply has been sent today by letter No. C.T.C. 9771.

Sgd. illegibly

for Director of Education

2.1.58.

No. 23.

Letter from Director of Education to Deputy Commissioner.

20th January, 1958.

No. 23.

LETTER FROM DIRECTOR OF EDUCATION TO DEPUTY COMMISSIONER

Registered.

The Deputy Commissioner of Registration of Indian & Pakistani Residents, Colombo.

In continuation of my letter of 2.1.58, it is reported that Q Schedules in question have been issued under false pretexts and that they are not genuine.

Sgd. illegibly  
for D.E.

Education Department,  
Colombo 2. 20th Jan., 1958.

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No. 24.  
Evidence of Abdul Suban

No. 24.

EVIDENCE OF ABDUL SUBAN  
C.8009/G/C

Enquiry to be resumed at 9.30 a.m. on 18th February, 1958.

The applicant is present Mr.B.H. Aluwihare, Advocate for him.

Mr. Aluwihare wishes that the evidence of two witnesses present be recorded.

Abdul Suban

38 years, affirmed. Examined by Mr.Aluwihare.

I am 38 years old. I came to Giridiella Estate-with my parents in 1934. We came from St. Martinus Kurunegala. I came to

30



the estate in 1932. The applicant came to the estate in 1934. He came with his father. The father was a hawker betal, milk tin etc. My father and applicant's father were great friends and resided in a house adjoining mine. My father allowed him to reside there. They came to the estate in 1934. The applicant brought 3 children with him. They were Hussain, Sheriff and Naina Mohamed. They were on the estate till 1943. In that year the applicant's father went to India and died in India. He was ill and therefore went to India. The three children lived in our house. Their uncle who was resident at Kurunegala came and removed them. I cannot say what happened to them after that. In 1951 Hussain and Sheriff came to the estate to get their school certificates. They also told me that they would want my testimony at an enquiry that would be held in regard to their applications for Citizenship. They told me so in 1951. I am still on the Grindi Ella Group.

Examined by me:

I was 15 years old when applicant's father came to Grindi Ella Estate. The applicant was a hawker right through the period he was a Grindi Ella Estate, Rangala. He hawked goods in adjoining estates. Besides betal and milk, the applicant's father also carried textiles and mirrors etc. Applicant's father did not deal in tea. Applicant and his two brothers attended the Bopitiya School which was the estate school. I did not attend school. My younger brother attended the senior school. He attended school at the time these brothers were at school but he entered school earlier. The applicant entered the school in 1934 and was there till 1943. I cannot say how far he studied. The applicant's brothers entered school at the same time. They were there till 1943. The applicant and his brothers were at Grindi Ella for 4 or 5 months after their father left for India. They lived in their old residence.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 24.

Evidence of  
Abdul Suban

Continued.

Sgd. D.T.d S. Gunawardena  
Deputy Commissioner

In the Supreme  
Court of the  
Island of  
Ceylon

No. 25.

EVIDENCE OF MOHAMED SHAHUL  
HAMEED

Before the  
Deputy  
Commissioner

Mohamed Shahul Hameed

No. 25.

Evidence of  
Mohamed Shahul  
Hameed

56 years, affirmed, Examined by Mr. Aluwihare.

I am a citizen of Ceylon by registration. I first came to Ceylon in 1909. I did not come from the same village as applicant's father. Our houses were 100 miles away. I came to Ceylon with my grand-father. We took up residence at Katugastota when we came from India. We resided there for about 2 years. After that I came to Colombo and became a salesman at Moulana. I was with them till 1921. I then joined the Police force as a constable and served for 3 years. I then became a lorry driver. I got married at this time. We resided at Katugastota where my uncle, who was my wife's father, resided. About 1929 I became a transport agent. In 1934 I registered myself as Moulana Transporters. I transported goods between Kandy and Colombo and in Kandy District. I came to know applicant's father at Colombo when I was at Moulana's and also at Grindi Ella Estate. I am now an Income-tax payer. Applicant's father was a hawker in bangles, powder and soap etc. I am unaware he dealt in textiles. As far as I know applicant's father was at Grindi Ella Estate for 10 or 12 years. He had three of his children with him. Applicant's father went to India and died. The children left for Kurunegala about 3 months later. I knew them at Kurunegala and Colombo. I was there transporter.

Examined by me:

In the year 1934 I used to go with one Dawood who used to buy tea sweepings on estates. I used to go to Grindi Ella estate. About 1934 I bought my own lorry and I used to go to estates on this. I met the applicant's father at Grindi Ella estate about this time. He was resident on the estate. I met applicant about

the year 1935. He used to visit my house. Applicant brothers Naina and Hussain also visited me at Katugastota. I have never met applicant's mother in Ceylon. I had information that applicant's mother was living somewhere near Ratnapura. So the applicant father told me. Applicant's father and I were close friends from about 1918. From about 1934 we visited each other regularly, about once a month. The children also got used to visiting my home.

In the Supreme Court of the Island of Ceylon

Before the Deputy Commissioner

No. 25.

Evidence of Mohamed Shahul Hameed

Continued

Re-examined by Mr. Aluwihare

Applicant's father told me that his wife was in Ceylon. I am unable to recollect where.

Sgd. D.T.de S.Gunawardena  
Deputy Commissioner

No. 26.

EVIDENCE OF GANGUDA GAMA ARCHCHERIGE  
DON DINES NANDASENA

No. 26.

Evidence of Ganguda Gama Archcherige Don Dines Nandasena

Ganguda Gama Archcherige Don Dines Nandasena.

Clerk, Department of Immigration & Emigration.

I produced an application for Temporary Residence permit dated 15th February, 1954, made by M.K.S. Shariff of 96/4 & 5 Prince Street, Colombo. According to information given in the application the applicant has given his father's name as M.K. Seyed Ahamed Thamby. Nationality - Indian, date of birth 6.10.28 at Keelakarai, Civil Status - Single - Address abroad - Middle Street, Keelakarai, Occupation, business at 96/4 & 5 Prince Street, Colombo II. Name and address of employer-Partner at Hussain & Bros., 96/4 & 5 Prince Street, Colombo.

Salary per annum Rs.2400/- per annum.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 26.

Evidence of  
Ganguda Gama  
Archcherige  
Don Dines  
Nandasena

Continued.

In cage 14(a) of the application, in answer to the enquiry - If previously resident in Ceylon give full particulars of total residence and periods of absence (answer is) Resident even prior to 1944 - for details please see attached proof. Absence on a single occasion not exceeding 2 months. In cage 14(b) in answer to the enquiry "date of arrival and date of departure in 1949" - no visits in 1949.

10

In cage 15 in answer to the enquiry - "Reasons in full for wishing to obtain Residence permit" - to continue in business.

In cage 16 - in answer to the enquiry - "Period for which residence permit is required" - 4 years.

In cage 17(4) - in answer to the enquiry - "Particulars of Passport on while permit was issued" - India/Ceylon Pass No. 89442.

Documentary evidence produced in support of previous residence and financial position (at page 3 of the application)

20

(a) Prior to 1944 - Nil.

(b) After 1944 - (1) Rice Ration book  
surrender Receipt 3844 to 14844 - 1944.

(2) 18945 to 291245 (1945)

(3) 231246 to 21147 (1946)

(4) Quarantine Certificate  
13347 - 1947.

(5) Letter from S.V.M.  
Mohamed Jamaldeen and  
Bros., Ceylon Ltd.  
covering period 14.3.47  
to 21.5.51.  
(1947-1951)

30

(6) Letter from D.F.C.Colombo  
30.1.52  
(1947) and (1949)

(7) Note: H.List for 48 in  
your file TA/B/3728

please see - 1948.

At this stage I show the application for the temporary Residence permit to the applicant (Mohamed Shariff) and he acknowledges the signature on this application as his.

Mr. Aluwihare has no questions to ask of witness.

Sgd. D.T.d S.Gunawardena  
Deputy Commissioner

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 26.

Evidence of  
Ganguda Gama  
Archcherige  
Don Dines  
Nandasena

Continued.

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No. 27.

No. 27.

EVIDENCE OF SEYED MOHAMED  
SHAREEF (continued)

Evidence of  
Seyed Mohamed  
Shareef (cont)

Seyed Mohamed Shareef (Applicant)

Affirmed.

20

If the Director of Education has reported that Q.Schedule furnished by me in respect of the period 17.11.35 to 1.12.43 of my education of the Thangala Girindi Ella School has been issued under false pretexts and that the document is not genuine. I have nothing to say.

I attended this school from 1935 to 1943.

At this stage Mr. Aluwihare submits that if this report is to be accepted the party who made the report must be called to give evidence. He makes this request that the officer who made the report be summoned to give evidence.

30

In view of this request I adjourn enquiry and so inform the applicant and Mr. Aluwihare. The date for resuming enquiry to be communicated by letter later.

Mr. Aluwihare desires that summons be issued on

In the Supreme Court of the Island of Ceylon

the school teacher as well - Sabapathy Ponniah, Head Teacher, K/Bopitiya Estate Tamil Mixed School, Rangala.

Before the Deputy Commissioner.

Sgd. D.T. de S. Gunawardena Deputy Commissioner.

No. 27.

18th February, 1958.

Evidence of Seyed Mohamed Shareef (cont)

No. 28.

No. 28.

Letter from Deputy Commissioner to Director of Education

LETTER FROM DEPUTY COMMISSIONER TO DIRECTOR OF EDUCATION

18th February, 1958.

Office of the Commissioner for the Registration of Indian & Pakistani Residents, P.O.Box 587, Colombo 1.

10

18th February, 1958.

The Director of Education, Colombo.

Application for Ceylon Citizenship made by Seyed Mohamed Shareef.

Reference your letter of 20th January, 1958 - the applicant for citizenship was confronted with the contents of your report at the resumed enquiry in the application to-day. Counsel for the applicant has taken objection to my admitting your report in the proceedings unless the officer who enquired into the matter and made the report to you, is summoned to give evidence at the enquiry.

20

2. In the circumstances the enquiry remains adjourned. I shall be grateful if you will please supply me with the name of your officer and his address to enable me to issue summons on him requiring him to attend the resumed enquiry. His expenses of attending

30

41.

enquiry will be met by this Department.

Sgd. illegibly

Deputy Commissioner.

In the Supreme  
Court of the  
Island of  
Ceylon

---

Before the  
Deputy  
Commissioner

No. 28.

Letter from  
Deputy  
Commissioner  
to Director  
of Education.

18th February,  
1958.  
Continued.

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No. 29.

LETTER FROM DIRECTOR OF EDUCATION  
TO DEPUTY COMMISSIONER

The Deputy Commissioner,  
Office of the Commissioner for the  
Registration of Indian & Pakistani  
Residents, Colombo 1.

10

Application for Ceylon  
Citizenship made by Seyed Mohamed  
Shareef.

---

The officer who inquired into the matter  
and made the report is Mr. A. Sandarasegaram,  
Inspector of Schools, whose address is Wattegama.

Sgd. illegibly  
for D.E.

Education Department,  
Colombo 2, 13th March, 1958.

20

No. 29.

Letter from  
Director of  
Education to  
Deputy  
Commissioner.

13th March,  
1958.

42.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 30.

Letter from  
Director of  
Education to  
Deputy  
Commissioner

11th April,  
1958.

No. 30.  
LETTER FROM DIRECTOR OF EDUCATION  
TO DEPUTY COMMISSIONER

The Deputy Commissioner,  
Office of the Commissioner for the Registration  
of Indian & Pakistani Residents, Colombo 1.  
Application for Ceylon Citizenship  
made by Seyed Mohamed Shareef.

Please treat my letter No. ASP.2109 and  
2110 of 20.1.58 as cancelled.

2. The matter is being further investigated  
into and a reply will be sent to you as early  
as possible.

10

Sgd. illegibly  
for D.E.

Education Department,  
Colombo 2, 11th April, 1958.

No. 31.

Letter from  
Director of  
Education to  
Deputy  
Commissioner  
  
19th May 1958.

No. 31.

LETTER FROM DIRECTOR OF EDUCATION  
TO DEPUTY COMMISSIONER

The Deputy Commissioner,  
Office of the Commissioner for the  
Registration of Indian and Pakistani  
Residents,  
Colombo 1.

20

Application for Ceylon Citizenship  
made by Seyed Mohamed Shareef &  
Naina Mohamed

Further to my letter of even dumber dated  
11.4.58, I have to inform you that the 'Q'  
Schedules in question are genuine.

Sgd. illegibly  
for Director of Education.

30

Education Department,  
Colombo 2, 19th May, 1958.



43.

No. 32.

LETTER FROM DEPUTY COMMISSIONER  
TO DIRECTOR OF EDUCATION

Office of the Commissioner for  
the Registration of Indian &  
Pakistani Residents, P.O.Box 587,  
Colombo 1.

23rd May, 1958.

10 The Director of Education,  
Colombo.

Application for Ceylon Citizenship  
Seyed Mohamed Shareef & Naina Mohamed

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No. 32.

Letter from  
Deputy  
Commissioner  
to Director  
of Education.

23rd May, 1958

20 I acknowledge the receipt of your letter  
of 19th May 1958. According to your letter of  
13th March, 1958, the matter was inquired into  
by Mr. A. Sandarasegaram, Inspector of Schools.  
I shall be grateful if you will please let me  
know whether the further enquiries mentioned in  
your letter of 11th April, 1958, were made by  
the same officer. I make this enquiry as it  
appears to me necessary that the officer should  
be summoned to give evidence at the resumed  
enquiries into the applications for citizenship  
made by the above parties.

Sgd. illegibly

Deputy Commissioner.  
23/5/58,

No. 33.

LETTER FROM DIRECTOR OF EDUCATION  
TO DEPUTY COMMISSIONER

30 The Deputy Commissioner,  
Office of the Commissioner for  
the Registration of Indian &  
Pakistani Residents,  
Colombo 1.

Application for Ceylon Citizenship  
Seyed Mohamed Shareef & Naina Mohamed

No. 33.

Letter from  
Director of  
Education to  
Deputy  
Commissioner.

20th June 1958.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 33.

Letter from  
Director of  
Education to  
Deputy  
Commissioner.

Continued.

No. 34.

Evidence of  
Arunasal  
Sandarasegaram

Ref. your letters of 23.5.58 and  
13.6.58, I have to inform you that the  
further enquiries mentioned in my letter of  
11th April 1958 were made by Mr. M.J.M. Mushsin,  
C.C.S, Assistant Secretary, Ministry of  
Education, Colombo.

Sgd. illegibly  
for Director of Education

Education Dept.,  
Colombo 2, 20.6.58.

10

No. 34.

EVIDENCE OF ARUNASAL SANDARASEGARAM

C.8009/G/C

Enquiry to be resumed at 9.30 a.m. on 29th  
August 1958. The applicant is present. Mr.  
B.H. Aluwihare, Advocate for him. Mr. A.  
Sandarasegaram Inspector of Schools is present  
on summons.

Arunasal Sandarasegaram.

Inspector of Schools,

20

I am the Inspector of Schools for the Wattagama  
Area. On the instructions of the Education  
Officer of the area, I visited the Bopitiya  
Estate School to ascertain the genuineness of  
a School Schedule referred to me for report. I  
met the Head Teacher of the School and examined  
the relevant records. I reported to the  
Education Officer my conclusions passed on my  
examination of the records. I did not visit  
the school on a subsequent date in this  
connection.

30

At this stage I read out the letter of the  
Director of Education dated 20th January, 1958  
(at folio 140).

Evidence resumed.

10 What has been reported by the Director of Education in this letter is not a exact reproduction of what I had stated. I did not state that the Schedules were issued under false pretext. I found by indirect evidence that the Schedules in question were not genuine. By indirect I mean circumstantial evidence. If the records of the school are available to me now I could explain what I meant by circumstantial evidence.

At this stage I ascertain that the school Teacher's records have not been brought by the Head Teacher of the school who is present.

Evidence resumed

Mr. Aluwihare objects that the witness is the witness for the Commissioner and he should not therefore be cross-examined by me.

Evidence resumed.

20 I would wish that the word "circumstantial" be substituted for the word "indirect" used by me earlier. The report made by me was in my opinion, complete.

Examined by Mr. Aluwihare

30 Whatever report that is made by a subordinate Officer is subject to revision or alteration or modification or even correction by a person who has authority over the Officer. The Assistant Secretary at the Ministry of Education summoned me for a further inquiry into the genuineness of the school schedules. I have not been informed in writing of the Assistant Secretary's finding but I was given to understand at the enquiry that the benefit of the doubt in regard to the genuineness of the school schedules should be given to the Head Teacher of the School. The Official who inquired took into account my report and the meritorious record of the teacher and the documents produced of which I am unaware. The teacher himself was present at the enquiry. 40 The Officer who enquired into the matter is a member of the Ceylon Civil Service. A school

In the Supreme Court of the Island of Ceylon

Before the Deputy Commissioner.

No. 34.

Evidence of Arunasal Sandarasegarem

Continued.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 34.

Evidence of  
Arunasal  
Sandarasegarem

Continued.

schedule is based on particulars obtained in the admission Register of a School Examination schedules and attendance registers. A genuine "Q" Schedule can resent only from genuine entries in the admission and other registers. In considering the genuineness of the School Schedule I had gone into the question of the genuineness of the entries in the Admission Register. My report was specifically directed to the question of the genuineness of the school schedules.

10

Sgd. D.T.de S.Gunawardena

Deputy Commissioner.

At this stage I read out the following letters:-

Letter of the Director of Education -  
folio (158)

Letter of the Director of Education -  
folio (160)

My letter to the Director of Education -  
folio (162)

20

Letter of the Director of Education -  
folio (164)

Mr. Aluwihare mentions that he does not want the Head Teacher of the School called in, although he was summoned at his request as no questions for clarification arose from the evidence of the inspector of schools. Mr. Aluwihare does not wish to examine the applicant any further.

No. 35.

Evidence of  
Seyed Mohamed  
Shareef (cont)

No. 35.

Evidence of Seyed Mohamed  
Shareef (continued)

30

Seyed Mohamed Shareef.

Applicant. Affirmed.

I don't have a Passport now. I surrendered the one I had to the High Commissioner for India in 1952. Since my first arrival in Ceylon, I paid visits to India on 5 occasions. I can remember only the visits in 1945, 1944, and 1946, and again in 1948 and 1952. The visit in 1952 was the last.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

No. 35.

Examined by Mr. Aluwihare.

Evidence of  
Seyed Mohamed  
Shareef (cont)

10 On my visits to India I did not stay more than 2 months except on my visit in 1952 when I was away for six months. My mother died in 1952. For that reason I had to stay longer than usual. In my application for a Temporary Residence Permit I stated that I was resident in Ceylon since 1944. At that time I had to say that I was in Ceylon from 1944 onwards. No one asked me whatever I was in Ceylon before.

Mr. Aluwihare closes his evidence.

20 I reserve my order for 9.30 a.m. on 15th September 1958 and so inform the applicant and Mr. Aluwihare.

Sgd. D.T.de S.Gunawardena  
Deputy Commissioner.  
29.8.58.

2.30 p.m.

30 Mr. Aluwihare hands me a statement both typed and hand-written (unsigned) embodying his submission on behalf of his client the appellant. I agree to file this as of record.

Sgd. D.T.de S.Gunawardena  
Deputy Commissioner.

29.8.58.

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In the Supreme  
Court of the  
Island of  
Ceylon

No. 36.

WRITTEN SUBMISSIONS OF  
COUNSEL FOR THE APPELLANT

Before the  
Deputy  
Commissioner

No. 36.

Written  
Submissions of  
Counsel for  
Appellant.

29th August,  
1958.

We have to prove

- (1) residence from 1.1.36 to date of application without absence from the Island more than a year on any single occasion.
- (2) means of livelihood or employment.
- (3) Permanent settlement. 10

(1) We have produced school registers and "Q" Schedules, covering the period 1.1.36 to 1944 i.e. for 10 years period to 1946. The "Q" Schedules were admitted to be genuine i.e. the School Certificate. The Education Officer stated that if the "Q" schedules were genuine, the supplementary documents, i.e. the school register must be genuine. Even on the Inspector's own reasoning, the school register, the genuineness of which he originally said was in doubt, has to be taken as genuine. The matter is now put beyond doubt by the authoritative letter of the Director of Education which was issued after the Inspector took had agreed. The terms of the letter are that the "Q" Schedules are genuine. No qualification is mentioned. It follows that all supplementary documents are genuine. 20

Thus there is uncontraverted evidence of permanent residence prior to 1944 from at least 1.1.36. This corroborates the oral evidence which is uncontroverted and proves we were in Ceylon prior to 1936. 30

(2) In regard to residence after 1.1.44 the oral evidence is amply corroborated by the Shop Act books, certified copies of Rice Ration book surrender receipts and the documents of the Controller of Immigration and Emigration all of which are unchallenged and prove continuous residence as in Section 3 sub.3 of the Act. 40

(3) Our means of livelihood and

employment are proved by the Shop Registers, partnership deed, and the partnership accounts, the Income Tax documents as well as the oral evidence.

In the Supreme Court of the Island of Ceylon

It is also in evidence that we have no other home than Ceylon. We stated in the application for our T.R.Ps that we were in residence in Ceylon from 1944 because that was the date relevant to those applications.

Before the Deputy Commissioner

No. 36.

10

No question has been raised of our Indian origin of which there is no doubt; there has been no disqualification to Citizenship alleged. Apart from establishing a prima facie case we have established our qualification for Citizenship on tested evidence.

Written Submissions of Counsel for Appellant.

29th August, 1958.

Continued.

No. 37.

No. 37.

ORDER.

Order

15th September, 1958.

The issues for enquiry in this case were -

20

1. that you are an Indian or Pakistani Resident. No evidence has been offered that your origin or the origin of an ancestor of yours was in pre-partition British India or an Indian State -

2. that you were resident in Ceylon during the period 1.1.36 to 4.8.51, without absence exceeding 12 months on any single occasion.

30

3. that you were, on the date of your application, possessed of an assured income of a reasonable amount or had some suitable business or employment or other lawful means of livelihood to support yourself.

4. that you had permanently settled in Ceylon.

In the Supreme Court of the Island of Ceylon

Before the Deputy Commissioner

No. 37.

Order

15th September, 1958.

Continued.

- 5. that you were unmarried at the date of application or in the alternative that your wife and dependent minor children if any, were resident in Ceylon - wife from the 1st anniversary of marriage and children from the 1st anniversaries of birth to date of application without absence exceeding 12 months on any single occasion.

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Vide copy of notice under Section 9(1) of Act No. 3 of 1949, dated 31st July, 1956, served on applicant (filed at folio 51).

Issue 1.

I am satisfied that the applicant is a person of Indian origin and entitled to apply for citizenship in Ceylon under the provisions of Act No. 3 of 1949.

I answer the issue in the affirmative.

Issue No. 2.

20

The applicant's claim to continuous residence in Ceylon falls into 3 periods.-

- 1. Period of schooling at Bopitiya Tamil School, 1935 to 1943.
- 2. Period of residence at Kurunegala as a hawker - 1944 to 1947.
- 3. Period of employment under S.V.M. Mohamed Jamaldeen & Bros. Ltd - 1947 to May, 1951.

For the sake of convenience I will deal with the evidence in respect of the second and third periods.

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For the second period the applicant has furnished "Certified extracts of surrender certificates" (A3 to A5 - folios 72 to 74) covering the period August, 1944 to January 1947. This is also supported by the oral evidence of Mana Pana Muna Chena Mohamood (evidence at folio 67) whose testimony appears generally acceptable. I therefore accept the period of residence 1944 to 1947

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as proved.

10 For the third period Mr. M.A.E.Saig Dawood, Accountant at S.V.M.Mohamed Jamaldeen & Bros. Ltd., produced the Shop Act Registers for the relevant period but explained that the ledgers of the firm for the period 1947 to 1951 were not available as these were removed to India in connection with an Income Tax appeal. The certificate (A6 - folio 75) is also from the same firm. The witnesses evidence appear at folios (16) and (127). The witness admitted that the information contained in the certificate at folio (75) was extracted from "a rough book which is not produced." Although I issued summons for the production of the ledgers (folios 119) at the subsequent date of enquiry, these were not produced for my inspection. I would not say that I am completely satisfied with the evidence produced but I am prepared to grant that applicant has established his period of residence from 1947 to 1951.

30 I will now deal with the period 1936 to 1943 - For this period the applicant produced a School Schedule "Q" (A2 filed at folio 71). The applicant relied entirely on this document to prove his residence during the period 1936 to 1943. The Counsel for applicant stated at the end of the proceedings on 22.4.57 (folio ) that there were no more witnesses and no documents to produce. Owing to the recent writing in the School Schedule it appeared to me necessary to have it verified by an Investigating Officer of the Department. The officer's report is filed at folio (112). It was clear from this report that further enquiry into the matter was imperative. I was very happy, therefore, when applicant's Counsel desired me to record the evidence of the School Teacher who issued the School Schedule - vide my minute at folio (128). The Teacher's evidence is at folios (129) to (133). Far from dispelling my doubts, the teacher whom I was compelled to examine at length owing to his most unsatisfactory evidence, almost confirmed the report of the investigating Officer, I will, therefore, recount his evidence briefly. The teacher stated that he issued the School Schedule produced in 1951. He stated that particulars

In the Supreme  
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No. 37.

Order

15th September,  
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Continued.

In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner.

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Order

15th September,  
1958.

Continued.

in the School Schedule are derived from the School Admission Register, Examination Schedule, and the Log Book. The Examination Schedule contained the name and age of pupil, the number of days attended during the year and the subjects studied and passed. In December, 1953, an Inspector of Schools inspected his books and he submitted to the Superintendent of the estate the Admission Register and the Log Book. He locked in his own almirah the old admission register, 4 unused admission registers. Schedule book, examination register, slate books and his own belongings. In his absence in Jaffna burglary took place and he returned to the school to find everything stolen except 3 new admission registers. Before some date in 1953 he was not in the habit of entering the date of issue of a School Schedule but from that date on the instructions of an Inspector of Schools, he started entering the date of issue. These instructions were not in the log books. The old Admission Register contained entries only from folio 22 as folios 1 - 21 were blank and were intended for use in management schools. He admitted that the first 23 folios in this register were missing. He copied folios 22 and 23 into folios 37 and 38 of the New Admission Register. He did not have these authenticated by a responsible person. He lost folios 21 and 22 by constant handling. He agreed that the name of the applicant was copied into folio 37 of the New Register (from one of the now missing folios 22 and 23). He copied these entries on the instructions of the Superintendent of the Estate who agreed to take the responsibilities. He also admitted that the first 22 folios in the new admission register was blank. He agreed that he further continued handling he might have lost the other folios as well. He therefore, fastened these folios and did not copy the entries in those folios into the new admission register. The Superintendent of the estate gave him oral instructions to transfer the entries in folios 22 and 23 in the old admission register into folios 37 and 38 in the new admission register. He agreed that the prudent course might have been to transfer all entries into the new

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admission register and preserved the old.

10 It appeared to me useful to refer copies of the School Schedule and a copy of the Investigating Officer's report to the Director of Education for enquiry and report. I also supplied a copy of evidence given by the school teacher. The Director reported (vide letter at folio 140) that the "Q" schedules in question have been issued under false pre-  
 20 texts and they are not genuine." The Director also informed me on my enquiry that the matter was enquired into by Mr. A. Sandarasegaram, Inspector of Schools. This officer subsequently gave evidence before me and his evidence is recorded at folios (173) to (175). In his evidence this officer confirmed the report he made to the Director of Education. He qualified his report by saying that he did not say the Schedules were issued under false  
 20 pretexts. He stated that by indirect (later substituted by the word "circumstantial") evidence that the Schedules in question were not genuine.

30 Before I proceed to discuss the foregoing evidence, I should refer to a subsequent letter of the Director of Education dated 19th May, 1958 (folio 160) who informed me that the Q Schedules in question were genuine. On my enquiry from the Director, I was informed by letter of 20th June, 1958 (folio 164) that the further inquiries were made by the Assistant Secretary Ministry of Education. I have not been informed of the reasons for making further enquiries on the basis on which this finding was carried at. I myself might have made the enquiry but it appeared to me that no purpose would be served by doing so, especially in view of the reports earlier made by my Investigating Officer and  
 40 the Inspector of Schools from which I could myself arrive at an independent decision. In fact that was the only course left to me. It appears to me from the evidence of the Inspector of Schools (folio 174) that the decision of the Assistant Secretary, Ministry of Education, to regard the Q Schedules as genuine, was prompted by a meritorious record of the teacher. For my part, I would not be content to abide by that decision, and as I have stated earlier,  
 50 the evidence before me is insufficient to take

In the Supreme  
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Before the  
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15th September,  
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Continued.

an independent decision.

To revert to the Teacher's evidence, the Superintendent of the estate was not called as a witness to corroborate the teacher's statement about the loss of the old admission register and the alleged report made to Education Department about the loss of the admission and other registers. The teacher's statement that he copied into the new admission register the original entries in folios 22 and 23 in the old admission register on the oral instructions of the Superintendent of the estate who undertook to take the responsibility remain uncorroborated. In the circumstances I cannot help coming to the conclusion that the teachers story is a fabrication. His statements amount to a story of a loss of an admission register which I don't believe - which at the time of the loss was minus two folios only which incidentally contained particulars of the admission of the applicant in this case, as a student. It is very significant that the entry regarding the admission of the applicant's brother, the enquiry into whose application under No. C.9933, was concluded along with this enquiry, also had his name in the same missing folios. Normally I would not draw into this inquiry matters connected with another's application, but the investigations of the Investigating Officer of this Department and of the Inspection of the Education Department covered the two schedules issued simultaneously by the School Teacher to the brothers and the dates examined viz. the registers at the school as establishing the genuineness of the School Schedules were common to both. So far as the enquiry into the genuineness of the school schedules go, the enquiry cannot be separated. The application in this case and that of the applicant's brother succeeds or fails in regard to the period of their schooling on the question of the genuineness of the schedules. It is not my intention to delve any further into the matter, except to say that I reject as not genuine the School Schedule produced.

At this stage I must refer to the evidence of an officer of the Department of Immigration and Emigration, who gave

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evidence on behalf of the Controller of Immigration and Emigration of whom summons was issued for the production of an application made by the applicant in this case for a Temporary Residence Permit. The evidence of the officer appears at folios (152 ) to (159 ). In this application which was made on 15th February, 1954, the applicant answering the enquiry in Cage 14(a) of the application form - "If previously resident in Ceylon give full particulars of total residence and periods of absence" - the applicant had answered as follows:-

In the Supreme  
Court of the  
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Before the  
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No. 37.

Order

15th September,  
1958.

Continued.

"Resident even prior to 1944 for details see attached proof".

The "documentary evidence" (referred to in this answer) is also in the evidence recorded at folio (159).

In answer to the enquiry in the application form -

"Documentary evidence produced in support of previous residence and financial position" - the applicant has answered as follows:

"(a) Prior to 1944 - NIL

(b) After 1944 - (1) "Rice ration book surrender receipt.

It will thus be seen that there is a definite answer to a definite enquiry and not as stated by the applicant in answer to his Counsel, "no one asked me whether I was in Ceylon before."

I will now refer to the evidence of two witnesses called to testify to applicant's residence in Ceylon (at Girinda Ella Estate) during the years 1936 to 1943, to which the foregoing evidence refers.

As I said earlier these two witnesses were called after Counsel had informed me at the previous days enquiry that there were no more witnesses to be called - vide folios (144) & (145). I must, therefore, consider their testimony with caution. I will take the witness Abdul Suban (Evidence at folio 149 ).

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No. 37.

Order

15th September,  
1958.

Continued.

I was by no means impressed by the witness who appeared to have been prepared for the occasion. He was careful to say that the applicant and his brother Sheriff (the applicant for citizenship in Case C.9933) came to the estate in 1951 to get their School Certificates and "they also told me that they would want my testimony at an enquiry that would be held in regard to their application for citizenship". This statement was presumably meant to corroborate the School Teacher's claim that he issued the schedules in 1951 and not between 1952 and 1953 and reported by the Investigating Officer (vide folio 112).

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The other witness Mohamed Shahul Hameed (evidence at folio 150) spoke to facts similar to those testified to by the other witness. This witness however gave the show away when he said "I had information that applicant's mother was living somewhere near Ratnapura - in spite of applicant's assertion that his mother lived at Chilaw and not elsewhere. It is indeed strange that this witness who claims to have known applicant's father so intimately, and the applicant and his brother since 1934, and having been on visiting terms, should display such ignorance.

20

I regret I must dismiss the testimony of both witnesses. The evidence against their statements is so overwhelming that I cannot but reject the evidence.

30

I hold without any hesitation that the School Schedule produced by the applicant (A2 - folio 71) is not genuine. The applicant fails in his proof of residence between 1936 and 1943 at Girindi Ella Estate.

I answer Issue 2 in the negative.

Issue 3.

The applicant ceased to be an employee under S.V.M. Mohamed Jamaldeen & Bros.Ltd., 3 months before he made his application for citizenship. He claims to have joined his brother and some others in a business venture in June, 1951. This business was wound up shortly afterwards to be succeeded by others.

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10 He has produced a balance sheet of Akfar Trading Company, of which he was partner, for the period 3.8.51 to 31.3.52 and 1.4.52 to 15.6.52 (A8 and A9) in support of his income. The applicant's own share of profits for the period 3.8.51 to 31.3.52 has been Rs.650/87 cts. (vide folio 76). Although this was not substantial, I am prepared to grant that applicant satisfies the requirements of the Act, in the sense that he was not a destitute.

I answer the issue in the affirmative.

Issue 4:

In view of my determination of Issue 2 against the applicant, I am unable to say that applicant is permanently settled in Ceylon.

I answer the issue in the negative.

Issue 5:

20 No evidence was led to establish the applicant's civil status. I will, therefore, discharge the duty cast on the applicant. While I have admitted against him the declaration made by him to the Controller of Immigration and Emigration (in the application for a Temporary Residence Permit) in regard to his residence in Ceylon (Vide evidence at folio 152), I must also give him the benefit of his declaration in the same application,  
30 that he was single.

I answer the issue in the affirmative.

In view of my findings in Issues 2 and 4 I make order refusing the application of Seyed Mohamed Shareef son of Marikkarthamby Kader-sahib Seyed Ahamed Thamby to be registered as a citizen of Ceylon under the provisions of Act No. 3 of 1949.

Sgd.  
Deputy Commissioner.

15th September, 1958.

In the Supreme  
Court of the  
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Deputy  
Commissioner

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Order

15th September,  
1958.

Continued.

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In the Supreme  
Court of the  
Island of  
Ceylon

Before the  
Deputy  
Commissioner

No.37.

Order

15th September,  
1958.

Continued.

The applicant is absent.

Mr. B.H. Aluwihare, Advocate is present.

I inform him that I have made order  
refusing the application. He requests  
that the order be communicated to the  
applicant.

Please do so.

Sgd. ....

Deputy Commissioner.

15.9.58.

10

No. 38.

Petition

3rd December,  
1958.

No. 38.

PETITION

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.

And

In the matter of an appeal under  
Section 15 of the Indian and  
Pakistani Residents (Citizenship)  
Act No. 3 of 1949.

20

M.K.S. Seyed Mohamed Shareef of  
No. 96/4, Prince Street, Colombo 11.

APPELLANT.

Application  
No.C.8009/G/C

Vs

The Commissioner for the Registration  
of Indian and Pakistani Residents  
Colombo 1.

30

RESPONDENT



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 of the  
Island of  
Ceylon

No. 38.

On this 3rd day of December 1958.

Petition

The Petition of Appeal the Appellant  
abovenamed appearing by DAVID NAIR THURAIRAJAH,  
his Proctor, states as follows:-

3rd December,  
1958.

Continued.

10           1. The Appellant made an application  
under the provisions of the Indian and  
Pakistani Residents (Citizenship) Act No. 3  
of 1949, for the purpose of securing his  
registration as a citizen of Ceylon and his  
application was assigned serial No.C.8009/G/C.

20           2. The Deputy Commissioner for the  
Registration of Indian and Pakistani Residents  
gave notice to the Appellant under Section  
9(i) 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 Appellant showed cause to the  
contrary within a period of three months from  
the date of the said notice.

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

30           4. The said inquiry was held by the  
Deputy Commissioner on 22nd April 1957, 14th  
September 1957, 21st September 1957, 18th  
February 1958 and 29th August 1958 and after  
recording the evidence of the Appellant and  
his witnesses the Deputy Commissioner made  
order on 15th September 1958 refusing the  
application on the ground that the Appellant  
has failed to prove that (a) he was resident  
in Ceylon from 1st January 1936 to 31st December  
40           1943 without absence exceeding 12 months on any  
single occasion and (b) he had permanently  
settled in Ceylon.

5. Being dissatisfied with the said  
order of refusal and the reasons given there-  
for, the Appellant begs to appeal therefrom

In the Supreme  
Court of the  
Island of  
Ceylon

No. 38.

Petition.

3rd December,  
1958.

Continued.

to Your Lordships' Court on the following  
among other grounds that may be urged by  
Counsel at the hearing of this appeal:-

- (a) The said order is contrary to law  
and against the weight of evidence  
adduced;
- (b) the evidence furnished by the  
Appellant to the Investigating  
Officer who made investigations  
under Section 8 of the said Act  
together with the evidence fur-  
nished to the Deputy Commissioner  
at the aforesaid inquiry held  
under section 9(3)(a) of the said  
Act was sufficient to allow the  
Appellant's Application 10
- (c) the learned Deputy Commissioner  
has misdirected himself -
- i. as regards the quantum of  
proof necessary to prove 20  
the Appellant's case; and
- ii. in assessing the evidence  
of the Appellant and his  
witnesses
- (d) The Deputy Commissioner has mis-  
directed himself with regard to  
the presumption of fact and law  
applicable to the case
- (e) the Deputy Commissioner has not  
looked at the surrounding 30  
circumstances to appreciate the  
evidence of the 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.
- (f) the Deputy Commissioner has placed 40  
upon the Appellant an unduly heavy  
onus of proof and has contravened  
the requirements of natural  
justice.

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

In the Supreme Court of the Island of Ceylon

(h) the Deputy Commissioner has mis-directed himself in rejecting the Education Department's School Schedule "Q" at folio 71.

No. 38.

Petition.

10 (i) the Deputy Commissioner has erred in the standard of proof required in these proceedings

3rd December, 1958.

Continued.

(j) the evidence led in the case is sufficient to entitle the Appellant to an order under Section 14 (7) (a) of the Act in his favour

WHEREFORE the Appellant prays that Your Lordships' Court be pleased -

20 i. to set aside the order of the Deputy Commissioner dated 15th September 1958.

ii. to direct the Respondent to cause the Appellant to be registered as a citizen of Ceylon and to take all such steps as are necessary for that purpose; and

iii. for costs and for such other and further relief as to Your Lordships' Court shall seem meet.

Sgd. D.N.Thurairajah

Proctor for Appellant.

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62.

In the Supreme  
Court of the  
Island of  
Ceylon

No. 39.

ORDER

No. 39.

Order.

14th December,  
1960.

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

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Seyed Mohamed Shareef son of  
Maraikarthamby Kadarsahib  
Seyedahamedthamby,  
96/4 & 5, Prince Street, Colombo 11.

Applicant-Appellant.

versus

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

Respondent-Respondent.

20

Application No. C/G/C 8009

Counsel for Appellant: Mr. Advocate C.  
Ranganathan with  
Mr. Advocate V.K.  
Palasuntheram.

Counsel for Respondent: Mr. Advocate E.R.K.D.H.  
Deheragoda, Crown  
Counsel.

This case having come before the Hon.  
Leonard Bernice de Silva, Puisne Justice,  
of this Court, for hearing and determination  
on 5th and 6th December, 1960.

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It is considered and adjudged that this

appeal be and the same is hereby dismissed.

It is ordered and decreed that the Applicant - Appellant do pay to the Respondent-Respondent the costs of this appeal fixed at Rs.105/-.

Sgd. L.B. de Silva

PUISNE JUSTICE.

Witness the Hon. Hema Henry Basnayake, Q.C., Chief Justice at Colombo, the 14th day of December, in the year One thousand Nine hundred and Sixty, and of Our Reign the Ninth.

Sgd. N. Navaratnam

Deputy Registrar, S.C.

In the Supreme Court of the Island of Ceylon

No. 39.

Order.

14th December, 1960.

Continued.

10

No. 40.

ORDER GRANTING SPECIAL LEAVE TO APPEAL.

In the Privy Council

No. 40.

L.S.

AT THE COURT AT BUCKINGHAM PALACE

The 26th day of February, 1962.

Order granting Special Leave to Appeal.

26th February, 1962.

20

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

Lord Mills	Mr. Bowden
(Acting Lord President)	Sir Richard Nugent
Mr. Secretary Profumo	Sir Roland Robinson
Sir David Eccles	Mr. Boyd-Carpenter

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 1st day of February 1962 in the words following viz:-

<u>Exhibits</u> A1 Extract from Register of Births. 15th November, 1928. Continued.	Particulars of child  Names and residence of parents to whom the child is born.	{ 5. Male or Female . . (In Tamil) { 6. Nationality & Caste . . (In Tamil) { 7. Name if any . . --- { 8. Father's name . . (In Tamil) { 9. Mother's name . . { 10. Residence  11. Age of Mother at } confinement } - 12. Number of line } birth } - Particulars 13. Name (In Tamil) of the 14. Residence (In Tamil) informant 15. Remarks	10
	Signature with date of the officer granting the extract	} Sgd. (In Tamil) } Sub-Registrar	20
	Seal of the officer granting the extract	} The Seal of the } Sub-Registrar of Keelakarai	

(True extract)

Prepared by: Sgd. in Tamil  
 Compared by: " illegibly  
 S.R.O. Udakarai.

(Written in Tamil ..... )



In the Privy  
Council

No. 40.

Order granting  
Special Leave  
to Appeal.

26th February,  
1962.

Continued.

"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 Seyed Mohamed Shareef in the matter of an Appeal from the Supreme Court of Ceylon between the Petitioner and The Commissioner for the Registration of Indian and Pakistani Residents Respondent setting forth (amongst other matters) that the Petitioner prays for special leave to appeal from the Judgment and Decree of the Supreme Court of Ceylon dated the 6th December 1960 whereby the Supreme Court dismissed the Petitioner's Appeal from the Order of the Deputy Commissioner for the Registration of Indian and Pakistani Residents dated the 15th September 1958 refusing the Petitioner's application for registration as a citizen of Ceylon under the provisions of the Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949: And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal from the Judgment and Decree of the Supreme Court of Ceylon dated the 6th December 1960 or for such further or other relief as to Your Majesty in Council may seem meet:

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"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 Judgment and Decree of the Supreme Court of Ceylon dated the 6th day of December 1960 upon depositing in the Registry of the Privy Council the sum of £400 as security for costs:

40

"And Their Lordships do further report to Your Majesty that the proper officer of the said 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."

In the Privy Council

No. 40.

Order granting Special Leave to Appeal.

26th February, 1962.

Continued.

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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.

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

E X H I B I T S

Exhibits

20

A1

A1

Extract from Register of Births

Extract from Register of Births.

Extract from the Register of Births in Local areas 1928.

15th November, 1928.

Village . . . Udakasa

Taluk . . . Ramnad

District . . . Ramnad

1. Annual Number . . 353

2. Monthly number . . 22

Date of { 3. Birth . . 15.11.28

{ 4. Registration . . 17.11.28

30



A2 - Schedule QExhibits

A2

SCHEDULE Q-Q

Schedule Q

10 Name of School - K, Boputuya Estate, Tamil Mixed School.

Full Name of Pupil - M.K.S.Mugamed Sharrif, Neen Thurugala, Girindi Ella, Rangala

Full Name of Parent - Seyed Ahamed Thamby

Admission Number of Pupil - 8 Date of Admission 17.11.1935.

Age of Admission 8. Passed fifth standard (Vth)

Last Standard passed in { Reading X Sp. x.  
Writing X -  
Arithmetic X -

Sgd. S. Pcnniah

Signature of Head Teacher.

Date of Withdrawl - 1.12.1943.

20

A3 - Certified Extract of Surrender Certificate

A.3.

Date of Surrender	No. of Ration Book	Class	Coupons available	No. of DFC51	Initial of Clerk	Certified Extract of Surrender Certificate
3.8.44	N357393	0	8-52	75330	A.M.A. P. Chelliah	

Date of reissue	Coupons detached	Signature Signed in English	Initial of Clerk
14.8.44	8-52	M.K.S.Sharief.	A.M.A.

30 Copied by: initialled ... checked by: initialled..  
True copy. (Signed on Re.1/-stamp) for D.C.C.,  
The Kachchëri, Kurunegala. Kurunegala.  
12th April, 1957.

ExhibitsA4 - Certified Extract of Surrender Certificate

A4  
 Certified Extract of Surrender Certificate

Date of Surrender	No. of Ration Book	Class	Coupons available	No. of DFC51	Initial of Clerk	A.D.
18.9.45	N442783	0	15-52	15620	T.M.T.B.	P. Chelliah

Date of reissue	Coupons detached	Signature	Initial of Clerk
29.12.45	15-24	Signed in English M.K.S.Sharief	T.M.T.B.

10

Copied by: Initialled      Checked by: Initialled

True copy.  
 (Signed on Re.1/-Stamp)  
 for D.F.C., Kurunegala.  
 The Kachcheri,  
 Kurunegala. 12th April, 1957.

A5

A5 - Certified Extract of Surrender Certificate

Certified Extract of Surrender Certificate

Date of Surrender	No. of Ration book	Class	Coupons available	No. of DFC51	Initial of Clerk	A.D.
23.12.46	N263603	0	29-52	35483	Nil	Nil.

20

Date of reissue	Coupons detached	Signature	Initial of Clerk
21.1.47	29-32	Signed in English M.K.S.Sharief	A.M.A.

Copied by: Initialled.      Checked by: Initialled.

True copy.  
 (Signed on Re.1/-Stamp)  
 for D.F.C., Kurunegala.  
 The Kachcheri,  
 Kurunegala,  
 12th April, 1957.

30

A6 - Certificate as to EmploymentExhibits

S.V.M. MOHAMED JAMALUDEEN &amp; BROS.(CEYLON) LTD.

A6

P.O. BOX 448,

Certificate as  
To Employment.

53 &amp; 55, Fourth Cross Street,

5th April,  
1957.

Colombo (Ceylon)

Date: 5th April, 1957.

TO WHOM IT MAY CONCERN.

This is to certify that Mr. M.K.S. Sahareef was employed by us as a Salesman from 14.3.47 to 21.5.51. During the said period he was paid as follows:-

Period	Salary and allowance per month	Annual Bonus
14.3.47 to 31.3.47	Rs. 75/-	Nil
1. 4.47 to 31.3.48	" 80/-	Rs.100/-
1. 4.48 to 31.3.49	" 90/-	" 100/-
1.4.49 to 31.3.50	" 90/-	" 250/-
1.4.50 to 31.3.51	" 90/-	" 200/-
1.4.51 to 21.5.51	" 90/-	" Nil.

He left our service in May 1951 in order to look after his own business.

S.V.M.MOHAMED JAMALUDEEN & BROS.  
(CEYLON) LTD.

Sgd. illegibly

Director.

IN THE PRIVY COUNCIL

No. 4 of 1963

ON APPEAL

FROM THE SUPREME COURT OF THE ISLAND OF CEYLON

B E T W E E N :

M.K.S. SEYED MOHAMED SHAREEF

Appellant

and

THE COMMISSIONER FOR THE  
REGISTRATION OF INDIAN AND  
PAKISTANI RESIDENTS

Respondent

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

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REXWORTHY, BONSER & SIMONS,  
83/85 Cowcross Street,  
London, E.C.1.

Solicitors for the Appellant.

T.L. WILSON & CO.,  
6 Westminster Palace Gardens,  
Victoria Street,  
London S.W.1.

Solicitors for the Respondent.