

G.H. E2.

29, 1952

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Supreme Court of Ceylon  
No. 1,114 of 1950

In the matter of an application under  
section 4 of 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,

UNIVERSITY OF LONDON  
W.C.1.  
21 JUL 1953  
INSTITUTE OF ADVANCED  
LEGAL STUDIES

IN HIS MAJESTY'S PRIVY COUNCIL  
ON AN APPEAL FROM THE SUPREME  
COURT OF CEYLON

BETWEEN

V. L. WIRASINHA, Commissioner for the  
Registration of Indian and Pakistani Residents,  
Colombo ..... Respondent-Appellant

AND

MOHIDEEN ABDUL CADER BADURDEEN  
of 191, Pichauds Lane, Maradana ..... Applicant-Respondent

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RECORD  
OF PROCEEDINGS

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**INSTITUTE OF ADVANCED  
LEGAL STUDIES,  
25, RUSSELL SQUARE,  
LONDON  
W.C.1.**

31/56

Supreme Court of Ceylon  
No. 1,114 of 1950

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section 4 of the Indian and  
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V. L. WIRASINHA, Commissioner for the  
Registration of Indian and Pakistani Residents,  
Colombo ..... *Respondent-Appellant*

AND

MOHIDEEN ABDUL CADER BADURDEEN  
of 191, Pichauds Lane, Maradana ..... *Applicant-Respondent*

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RECORD OF PROCEEDINGS

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## PART I

No. 1

### Application for registration as a citizen of Ceylon

Form 1 D

*District: Colombo.*

*Application No. C. 460*

*Registered under No. ....*

No. 1  
Application  
for registration  
as a citizen  
of Ceylon  
19.11.49

#### 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 married male whose marriage has not been dissolved by death or divorce prior to the date of the application**

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

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

- 30 (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.

No. 1  
Application for  
registration as a  
citizen of Ceylon  
19.11.49  
—contd.

(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.

(5) Where the applicant has a wife not living apart from him in accordance with a duly executed deed of separation or a decree of separation pronounced by a competent court, or any legitimate minor child or children born to him and ordinarily resident in Ceylon and dependent on him, or any minor child or children borne by his wife prior to her marriage with him and ordinarily resident in Ceylon and dependent on him, he is advised, if he desires to procure the registration of the wife or such child or children simultaneously with his registration, to set out the required particulars in paragraph 15 of, and in the Schedule to, the application. Instead of including in the application a request for the registration of the wife or such child or children, the applicant may, by a subsequent letter sent to the Commissioner at any time before the disposal of the application, request that the wife or such child or each such child be registered as a citizen of Ceylon. Such letter shall contain the aforesaid particulars. 10

(6) In the Act, “ Indian or Pakistani resident ” means a person— 20

(a) whose origin was in any territory which, immediately prior to the passing of the Indian Independence Act, 1947, of the Parliament of the United Kingdom, formed part of British India or any Indian State and

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

and includes a descendent of any such person.

(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. 30

I. \*Insert full  
name of appli-  
cant

I. I,\*MOHIDEEN ABDUL CADER BADURDEEN 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.

II. (See Note 5  
above)

II. I request that, simultaneously with myself, each person mentioned in paragraph 15 of this application be registered as a citizen of Ceylon. 40

III. I am an Indian resident.

IV. I am a married male whose marriage has not been dissolved by death or divorce. IV. (See Note 6 above)

V. I have been continuously resident in Ceylon during the period of seven years commencing on January 1, 1939, and ending on December 31, 1945. V. (See Note 7 above)

VI. I have been continuously resident in Ceylon from January 1, 1946, to the date of this application. VI. (See Note 7 above)

10 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—

(a) I shall be deemed in law to have 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 emigrated; and

20 (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.

VIII. The necessary particulars are set out below.

(Sgd.) M. A. C. BADURDEEN, (See Note 3 above)  
*Signature of Applicant.*

*Witness :* (See Note 4 above)

1. *Signature :* (Sgd.) K. R. Fernando.

*Name, occupation and address :* Kittangodage Romanis Fernando, Director, Clive Agencies, Ltd., 66, Baillie Street, Fort.

30 2. *Signature :* (Sgd.) G. B. K. Jayaratne.

*Name, occupation and address :* Muhandiram G. B. K. Jayaratne, 738, Maradana Road, Colombo 10, Ayurvedic Physician and Merchant.



**Instructions to applicant for  
specifying the required  
particulars**

*Particulars*

*For Office Use*

1. If the full name is a composite of more than one separate name, state the separate names in the order in which registration is desired.
  2. The Divisional Revenue Officer's Division should, if possible, be stated in the address.
  3. A certificate of birth or an affidavit should be annexed if age between 18 and 25 years.
  - 4.
  5. A certificate of marriage or an affidavit should be annexed.
  6. Fill up such part of the Schedule to the application as relates to the applicant.
  7. See instructions relating to paragraph 1.
  8. Fill up such part of the Schedule to the application as relates to the wife.
1. Full name : Mohideen Abdul Cader Badurdeen.
  2. Full address : 191, Piachauds Lane, Maradana, Colombo.
  3. Age : 34 years (Thirty-Four Years).  
Date of birth (if between 18 and 25 years of age) :
  4. Place of birth : Sathankulam, South India.
  5. Date of marriage : February 12, 1938. (Affidavit)
  6. The places of residence of the applicant in Ceylon from January 1, 1939, to the date of this application, and the period of residence at each such place are stated in the Schedule to this application.
  7. Full name of applicant's wife : Seyed Ibrahim Mohideen Fathima.
  8. The places of residence of the Applicant's wife in Ceylon from January 1, 1939 or from the date of marriage with the applicant, whichever is the later date, to the date of this application, and the period of residence at each such place are stated in the Schedule to this application.

9. See instructions relating to paragraph 1.

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

<i>Names</i>	<i>Dates of Birth</i>
Badurdeen Thahira Begum ..	.. 10.12.1938
Badurdeen Bashir Deen ..	.. 13. 3.1945

10. See instructions relating to paragraph 1.

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

<i>Names</i>	<i>Dates of Birth</i>
Nil ..	Nil

5

11. Fill up such part of the Schedule to the application as relates to minor children.

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

12. Names and addresses may be briefly stated.

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

<i>Names</i>	<i>Addresses</i>	<i>Relationship</i>
Mohideen Meera Umma ..	191, Piachauds Lane, Maradana	Mother

*For Office Use*

*Particulars*

Average Income  
 1948-49  
 Rupees Four  
 Hundred and  
 Fifty per  
 month

13. If the applicant has a business or employment claimed by him to be sufficient to support the applicant and dependants, if any, the description of the business or employment: Exporters of Tea and Ceylon Produce, Partner International Import Export (Ceylon) Co.
14. Other sources of income derived whether by the applicant alone or by the applicant and any dependants which can be applied for support of the applicant and dependants, if any:—

<i>Name of Person deriving Income</i>	<i>Source of Income</i>	<i>Income per Mensem Rs. c.</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....

- Paragraph 13 should only be filled up if the applicant claims that the income from the business or employment is adequate.
14. Paragraph 14 need not be filled up if paragraph 13 is filled up.

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

*Names*

- 1 Seyed Ibrahim Mohideen Fathima (wife)
- 2 Badurdeen Thahira Begum (daughter)
- 3 Badurdeen Bashir Deen (son)

In the case of children certificates of birth or an affidavit should be annexed.

**SCHEDULE**

(See paragraph 6, 8, and 11 above)

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

Applicant		Applicant's wife		Minor children mentioned in paragraphs 9 and 10 of the application		
Places of residence in Ceylon from January 1, 1939, to the date of the application	Approximate period of residence at each place of residence in Ceylon	Places of residence in Ceylon from January 1, 1939, or from the date of marriage, whichever is the later date, to the date of the application	Approximate period of residence at each place of residence in Ceylon	Name of each of the aforesaid children	Places of residence of each of the aforesaid children from January 1, 1939, or from the date of birth, whichever is the later date, to the date of the application	Approximate period of residence of each of the aforesaid children at each place of residence in Ceylon
1. 357, Dam Street, Colombo	6 years, 1939 to 1945	1. No. 104, Messenger Street	Three months	1. B. Thahira Begum	104, Messenger Street	Three Months
2. 5, Old Moor Street, Colombo	2 years 1945 to 1947	2. 191, Piachauds Lane	1 year 5 months (July 1, 1948, to date)	2. B. Bashier Deen	do.	do.
3. 57, Messenger Street, Colombo	1 year 1947 to 1948					
4. 191, Piachauds Lane, Maradana	1 year					

**AFFIDAVIT**

(To be completed by the applicant in support of the application)

I do

solemnly, sincerely and truly declare and affirm this statement conscientiously believing the same to be true.

that the foregoing particulars stated in this application are true, and I make

Sgd. M. A. C. BADURDEEN,  
*Signature of Applicant.*

Affirmed at Colombo, this Nineteenth day of November, 1949, before me, S. M. C. de Soyza, Commissioner of Oaths.

Sgd. S. M. C. DE SOYZA,  
*Commissioner of Oaths.*

No. 1  
Application for  
registration as a  
citizen of Ceylon  
19.11.49  
—contd.

No. 2  
 Notice refusing  
 application for  
 registration  
 6-2-50

**No. 2**  
**Notice refusing application for registration**

Registered.

Form 3

No. C. 460.

The Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949

Notice under section 9 (1) of the Act

To: Mr. Mohideen Abdul Cader Badurdeen of 191, Pichauds  
 Lane, Maradana, Colombo.

I, Victor Lloyd Wirasinha, Commissioner for the Registration of Indian and Pakistani Residents, do hereby give you notice, under section 9 (1) of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, that I have decided to refuse your application under that Act, dated November 19, 1949, 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. 10

(Sgd.) V. L. WIRASINHA,  
 Commissioner for the Registration  
 of Indian and Pakistani Residents. 20

P. O. Box 587,  
 Colombo, February 6, 1950.

*Schedule*

That your wife and minor children have not been ordinarily resident in Ceylon.

(Sgd.) V. L. WIRASINHA,  
 Commissioner.

**No. 3**  
**Letter requesting Commissioner to hold an Inquiry**

No. 258, Hultsdorf Street,  
 Colombo, 2nd May, 1950.

No. 3  
 Letter  
 requesting  
 Commissioner to  
 hold an Inquiry  
 2-5-50

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

Mohideen Abdul Cader Badurdeen—No. C. 460

Sir,

10 With reference to the notice served on my client under Section 9 (1) of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, I wish to state below that my client has got cause to show against your refusal and under the circumstances I request you to be good enough to have the matter fixed for inquiry in order to enable my client to make his submissions.

I am, Sir,  
 Your obedient servant,

(Sgd.) S. HARI HARA AIYAR,  
 Proctor for Mohideen Abdul  
 Cader Badurdeen.

20

*Schedule setting out cause*

Mr. Mohideen Abdul Cader Badurdeen's wife and minor children are entitled for simultaneous registration under Section 4 (2) (a) of the Indian and Pakistani Residence (Citizenship) Act as Mr. Mohideen Abdul Cader Badurdeen possesses the special residential qualifications under Section 3 of the said Act.

(Sgd.) S. HARI HARA AIYAR,  
 Proctor for Mohideen Abdul  
 Cader Badurdeen.

**No. 4**  
**Inquiry by the Commissioner**

No. 4  
Inquiry by the  
Commissioner  
26-6-50

26.6.50.

C. 460.

Applicant present. Mr. Advocate Shanmuganayagam with Mr. Hari Hara Iyer for him.

M. A. C. Badurdeen, affirmed, states:—

34, Merchant, 191, Piachauds Lane. I produce House Rent Receipts for July, 1948, to June, 1950, when my family and I am resident, and, also school receipts September, 1948, onward in respect of my elder child, up to June, 1950. I married in 1938. My wife and children used to pay visits to Ceylon, but did not come to Ceylon to settle owing to housing difficulties before 1948. I secured a house on rent in July, 1948; from March, 1948, my wife and children lived at Messenger Street, my cousin's premises. No application has been made by my wife and children for Indian passports. It is my intention and theirs to remain permanently in Ceylon. 10

To me.

In the period 1938-42, it was not the housing difficulty that prevented my wife's coming over to Ceylon, but that in the years immediately following marriage my wife and her parents desired that she should stay on in India for some time. 20

Order on 7.7.50.

(Sgd.) V. L. WIRASINHA,  
26.6.50.

**No. 5**  
**Order of the Commissioner**

No. 5  
Order of the  
Commissioner  
7-7-50

7.7.50.

In C. 459, I have considered the interpretation of ordinary residence of the wife, and concluded that she should have been ordinarily resident—also that the dependent minor children should have been ordinarily resident from 1.1.39 or the date of marriage or date of birth as the case may be. The applicant has adduced no evidence besides his own statement that his wife or children were resident in  
10 Ceylon before March, 1948. The applicant's own statement is that his wife and elder child visited him in the period 1938-42, did not settle in Ceylon.

Mr. Shanmuganayagam cited the authorities cited by Mr. Hari Hara Iyer in C. 459, and 1928 appeal cases page 217 at page 232, and page 234 at pages 243 and 244. His argument has been (a) the same as Mr. Hari Hara Iyer in C. 459 and (b) if that is rejected, that the applicant's own residence in Ceylon in 1939-1948, together with his wife's and elder child's visits in 1938-42 constituted  
20 ordinary residence of the wife and children in Ceylon from 1939.

For the reasons recorded in C. 459 I do not grant that it is sufficient that the wife and children should have been ordinarily resident only on the date of application. As regards the second contention, the husband's own continuous residence is not—at any rate under Act No. 3 of 1949—sufficient to establish the wife's or children's ordinary residence. If it were, the requirement that their ordinary residence should be proved is nugatory: the husband must prove his continuous residence, and the wife's and children's ordinary residence would necessarily follow. The evidence adduced of the wife's  
30 and children's periods of stay in Ceylon before 1948 is insufficient to establish their ordinary residence in Ceylon before that date.

(Sgd.) V. L. WIRASINHA.

7.7.50.

C. 460.

Mr. Hari Hara Iyer present on behalf of the applicant.

I read my order. Mr. Iyer requests copy of proceedings on 26.6.50, and of my order. Please supply and call for copying fees—no Stamp Duty payable.

(Sgd.) V. L. WIRASINHA.  
Commissioner.



No. 6  
Petition of  
Appeal to the  
Supreme Court  
6-10-50

**No. 6  
Petition of Appeal to the Supreme Court**

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

In the matter of an application under Section 4 of 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.

MOHIDEEN ABDUL CADER BADURDEEN of 191,  
Piachaud's Lane, Maradana, Colombo.....*Applicant-Appellant.* 10  
No. 1114 of 1950.

*vs.*

V. L. WIRASINHA, Commissioner for the Registration  
of Indian and Pakistani Residents, Colombo.....*Respondent.*  
*To :*

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

On this 6th day of October, 1950.

The petition of appeal of the applicant-appellant above named  
appearing by Satia Vagiswera Harihara Aiyar, his proctor, states 20  
as follows:—

1. On the 19th day of November, 1949, the applicant made an application under the provisions of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, to the Commissioner for the Registration of Indian and Pakistani Residents that he be registered as a Citizen of Ceylon.

2. On the 6th day of February, 1950, the Commissioner caused a notice to be served on the applicant that his application would be refused on the grounds that his wife and minor children have not been ordinarily resident in Ceylon, and gave the applicant an opportunity in terms of the said section to show cause to the contrary within a period of three months from the date of the said notice. 30

3. The applicant thereupon showed cause within the aforesaid period, and the Commissioner made order fixing the matter for inquiry.

4. After the inquiry the Commissioner made order on the 7th of July, 1950, refusing the application of the applicant.

5. Being dissatisfied with the said order the appellant begs leave to appeal therefrom to Your Lordship's Court on the following among other grounds which may be urged by Counsel at the hearing of the appeal.

No. 6  
Petition of  
Appeal to the  
Supreme Court  
6-10-50  
—contd.

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

10 (b) The applicant married in the year 1938 in India. The uncontradicted evidence of the applicant is that his wife visited him in Colombo from time to time during the period 1938 to 1948 and resided with him during such visits. The applicant further stated that his wife could not stay with him continuously in Ceylon during the period 1938 to 1948, (I) owing to the request of his parents-in-law and the custom prevailing amongst the petitioner's community that the wife should stay with the parents-in-law for sometime after marriage, and (II) owing to his inability to find suitable accommodation here and further that he took a house on rent in July, 1948, and that his wife has been residing with him continuously from the year 1948 onwards.

20 (c) The applicant submits that Section 6 (2) (11) requires the applicant to furnish proof that his wife has been ordinarily resident in Ceylon at the time of his making the application. But in any event the evidence establishes that the applicant's wife has been ordinarily resident in Ceylon from 1939 onwards.

(d) The children of the applicant so long as they were in India were looked after and maintained by the applicant's father-in-law with whom they lived. No evidence has been led to show that the applicant's children were maintained in any way by him while they were in India.

30 (e) The applicant submits that section 6 (2) (11) requires him to establish only that his minor children dependent on him were ordinarily resident in Ceylon at the time of making the application. But assuming the correctness of the interpretation placed by the Commissioner on the section it is submitted that the said children were ordinarily resident in Ceylon while dependent on the applicant.

Wherefore the appellant prays that Your Lordship's Court be pleased—

- 40 (a) to set aside the order made by the Commissioner dated 7th July, 1950,  
(b) to direct the Commissioner to cause the applicant to be registered as a Citizen of Ceylon and to issue to the applicant a Certificate of Registration and to publish in the *Gazette* a notification setting out the fact of the registration of the applicant as a Citizen of Ceylon.  
(c) For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) S. V. H. AIYAR,  
*Proctor for Applicant-Appellant.*

**No. 7**  
**Judgment of the Supreme Court**

IN THE MATTER OF AN APPEAL UNDER SECTION 15 OF THE INDIAN AND  
 PAKISTANI RESIDENTS (CITIZENSHIP) ACT, No. 3 OF 1949

Application No. 1,114 of 1950.

**BADURDEEN vs. COMMISSIONER FOR THE REGISTRA-  
 TION OF INDIAN AND PAKISTANI RESIDENTS**

*Present:* BASNAYAKE, J.

*Counsel:* N. K. CHOKSY, K.C., with C. SHANMUGANAYA-  
 GAM and M. A. M. HUSSAIN for Appellant. 10  
 D. JANZE, Crown Counsel, for Commissioner for the  
 Registration of Indian and Pakistani Residents—  
 Respondent.

*Argued on:* 23rd and 24th January, 1951.

*Decided on:* 18th May, 1951.

**BASNAYAKE, J.—**

This is an Appeal under Section 15 of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949. The appellant-applicant (hereinafter referred to as the applicant), Mohideen Abdul Cader Badurdeen is 34 years of age and was born in India. 20  
 He has since 1928 resided in Ceylon. In February, 1938 he married in India. But his wife did not come to Ceylon. She remained in India with her parents in accordance with their wishes. The applicant has two children born in India in 1938 and 1945, respectively. It was not till March, 1948, that his wife and children came to reside here. During their stay in India they visited the applicant occasionally.

The applicant has the residential qualification contemplated in section 3. The only question that arises on this appeal is whether the conditions of section 6 (2) (11) are satisfied in the case of the 30  
 applicant. That provision reads:—

“ Where the applicant is a male married person (not being a married person referred to in paragraph (a) of section 3 (2) ), that his wife has been ordinarily resident in Ceylon, and in addition, that each minor child dependent on him was ordinarily resident in Ceylon while being so dependent.”

The Commissioner holds that the requirements of the above provision are not satisfied unless—

No. 7  
Judgment of  
the Supreme  
Court  
18-5-51  
—contd.

- (a) the wife of an applicant has been resident in this country from the date of her marriage or from 1st January, 1939, whichever is later, and
- (b) each minor child dependent on him has been resident from 1st January, 1939, or the date of birth whichever is later.

The result of the Commissioner's interpretation is that a person married before 1st January, 1939, cannot secure registration unless—

- 10 (i) his wife has been resident in this country from at least 1st January, 1939, and
- (ii) each of his dependent minor children (if any) born after 1st January, 1939, has been born here and has remained here since birth till the date of the application, and
- (iii) each of his dependent minor children (if any) born before 1st January, 1939, has resided here from that date at least.

1 I am afraid that this view of the enactment is supported neither by the Act nor by the canons of construction of statutes. For a  
20 correct interpretation of section 6 (2) (11) the meaning of the words "ordinarily resident" as used therein should first be ascertained. Those words are not uncommon in English Legislation, especially in the Income Tax Acts. Some assistance can be gained from the judicial dicta of the English Courts. But before referring to them I shall examine the ordinary meaning of those words. For, the golden rule of interpretation is that the words of a statute must *prima facie* be given their ordinary meaning. "Reside" according to the dictionary means "to dwell permanently or for a considerable  
30 time, to have one's settled or usual abode, to live in or at a particular place", "to dwell permanently or continuously, to have a settled abode for a time, to have one's residence or domicile". The word "ordinary" means "belonging to what is usual", "having or taking its place according to customary occurrence or procedure; usual; normal".

It will be sufficient for the purpose of this case to confine my attention to the remarks of Viscount Cave in *Levene's case*<sup>1</sup> and of Lord Summer in *Lysaght's case*<sup>2</sup>. In the former case, Viscount Cave said:

40 "The expression 'ordinary residence' is found in the Income Tax Act of 1806 and occurs again and again in the later Income Tax Acts, where it is contrasted with usual or occasional

<sup>1</sup> *Levene v. Commissioners of Inland Revenue*, (1928) A.C. 217 at 225.

<sup>2</sup> *Inland Revenue Commissioners v. Lysaght*, (1928) A.C. 234 at 243.

or temporary residence; and I think that it connotes residence in a place with some degree of continuity and apart from accidental or temporary absences. So understood the expression differs little in meaning from the word 'residence' as used in the Acts; and I find it difficult to imagine a case in which a man while not resident here is yet ordinarily resident here."

In the latter case, Lord Summer observed:

"My Lords, the word 'ordinarily' may be taken first. The Act on the one hand does not say 'usually' or 'most of the time' or 'exclusively' or 'principally', nor does it say on the other hand 'occasionally' or 'exceptionally' or 'now and then', though in various sections it applies to the word 'resident', with a full sense of choice, adverbs like 'temporarily' and 'actually'. I think the converse to 'ordinarily' is 'extraordinarily' and that part of the regular order of a man's life, adopted voluntarily and for settled purposes, is not 'extraordinary'. Having regard to the times and duration, the objects and the obligations of Mr. Lysaght's visits to England, there was in my opinion evidence to support, and no rule of law to prevent, a finding that he was ordinarily resident, if he was resident in the United Kingdom at all."

I now turn to the facts of the instant case bearing in mind the words of the section, the definitions, and the judicial dicta quoted above.

Since March, 1948, the applicant's wife has had a settled abode in Ceylon with her children. During that time she had no residence in any other country. There is no requirement in the section or elsewhere in the Act that the residence should have commenced at a given period of time or that it should have a minimum duration. It is clear from the Act that the date in relation to which this question of ordinary residence has to be decided is the date of the application, for no other date is indicated expressly or by necessary implication. At the date of his application, viz., 19th November, 1949, the applicant's wife had lived here with her children for one year and eight months with the intention of remaining in Ceylon permanently. That coupled with the fact that she had no other residence elsewhere clearly proves that she had been ordinarily resident in Ceylon at the relevant date.

Now, coming to the applicant's children, the evidence is that they too have been here since March, 1948. The child of school-going age has been attending school here since September, 1948. The children are minors dependent on the applicant. I think in their case too it can be definitely said that they have been ordinarily resident here while dependent on the applicant. The section does not say that the period of residence here should be co-extensive with the

period of dependence. The words are " while being so dependent", not " during the period of dependence ". The words " while being so dependent " connote a state and not a time. The eminent qualification is ' ordinarily resident '. Considerations of time are involved in those words. Wife and minor children alike must satisfy the conditions of ' ordinary residence ' at the date of the application. The children have to satisfy a further qualification, viz., that during their period of ordinary residence they were dependent on the applicant.

No. 7  
Judgment of  
the Supreme  
Court  
18-5-51  
—contd.

- 10 Gout's case which the Commissioner regarded as inapplicable has in my opinion a bearing on the point and is of assistance as it holds that the question of ' ordinary residence ' is one of fact and the motive with which residence is taken up is immaterial.

The appeal is allowed.

(Sgd.) HEMA BASNAYAKE,  
Puisne Justice.

<sup>3</sup> Gout & another v. Cimitian, (1922) 1 App. Cases 105.

**No. 8**  
**Decree of the Supreme Court**

Supreme Court No. 1,114 of 1950.

GEORGE THE SIXTH, BY THE GRACE OF GOD OF GREAT BRITAIN,  
NORTHERN IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS  
KING, DEFENDER OF THE FAITH

IN THE SUPREME COURT OF THE ISLAND  
OF CEYLON

MOHIDEEN ABDUL CADER BADURDEEN of 191,  
Piachauds Lane, Maradana ..... *Applicant-Appellant.* 10

*Vs.* .

V. L. WIRASINHA, Commissioner for the Registration of  
Indian and Pakistani Residents, Colombo ..... *Respondent.*

Application No. C. 460.

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

*Counsel for Appellant :* MR. ADVOCATE N. K. CHOKSY, K.C.,  
with Messrs. C. SHANMUGANAYAGAM and M. A.  
M. HUSSAIN.

*Counsel for Respondent :* MR. ADVOCATE D. JANSE, Crown 20  
Counsel.

This case having come before the Hon. Mr. H. H. Basnayake,  
K.C., Puisne Justice, of this Court, for hearing and determina-  
tion on 23rd and 24th January and 18th May, 1951.

It is considered and adjudged that this Appeal be and the same  
is hereby allowed.

Witness the Hon. Mr. R. F. Dias, LL.D., Senior Puisne Justice,  
at Colombo, the 24th day of May in the year of our Lord One  
thousand Nine hundred and Fifty-one, and of Our Reign the 30  
Fifteenth.

(Sgd.) W. G. WOUTERSZ,  
*Deputy Registrar, S. C.*

**No. 9**  
**Application for Conditional Leave to appeal to the**  
**Privy Council**

No. 9  
Application for  
Conditional  
Leave  
to Appeal to the  
Privy Council  
28-5-51

**IN THE SUPREME COURT OF THE ISLAND**  
**OF CEYLON**

In the matter of an application under Section 4 of 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  
10 Pakistani Residents (Citizenship) Act, No. 3 of 1949.

**MOHIDEEN ABDUL CADER BADURDEEN of 191,**  
Piachauds Lane, Maradana ..... *Applicant-Appellant.*

*vs.*

**V. L. WIRASINHA, Commissioner for the Registration of**  
Indian and Pakistani Residents, Colombo ..... *Respondent.*

**THE COMMISSIONER for the Registration of Indian and**  
Pakistani Residents, Colombo ..... *Respondent-Petitioner.*

*vs.*

**MOHIDEEN ABDUL CADER BADURDEEN of 191,**  
20 Piachauds Lane, Maradana ..... *Appellant-Respondent.*

On this 28th day of May, 1951.

*To:*

**THE HONOURABLE THE CHIEF JUSTICE AND THE OTHER JUSTICES OF**  
**THE SUPREME COURT OF THE ISLAND OF CEYLON**

The petition of the Commissioner for the Registration of Indian  
and Pakistani Residents, the Respondent-Petitioner above named  
appearing by Clifford Trevor de Saram his Proctor states as  
follows:—

1. That feeling aggrieved by the judgment and order of this,  
30 Honourable Court pronounced in this case on the 18th day of May,  
1951, the above named Respondent-Petitioner is desirous of appeal-  
ing therefrom to His Majesty the King in Council.



No. 9  
Application for  
Conditional  
Leave  
to Appeal to the  
Privy Council  
28-5-51  
—*contd.*

2. That the question involved in the appeal is one which by reason of its great general or public importance or otherwise ought to be submitted to His Majesty the King in Council for decision.

Wherefore the Respondent-Petitioner prays for conditional leave to appeal against the said judgment of this Court dated the 18th day of May, 1951, to His Majesty the King in Council.

(Sgd.) TREVOR DE SARAM,  
*Proctor for Respondent-Petitioner.*

**No. 10**  
**Decree granting Conditional Leave to appeal to the**  
**Privy Council**

No. 10  
 Decree granting  
 Conditional  
 Leave  
 to appeal to the  
 Privy Council  
 8-6-51  
 —contd.

GEORGE THE SIXTH, BY THE GRACE OF GOD OF GREAT BRITAIN,  
 IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS  
 KING, DEFENDER OF THE FAITH, EMPEROR OF INDIA

IN THE SUPREME COURT OF THE ISLAND  
 OF CEYLON

10 THE COMMISSIONER for the Registration of Indian and  
 Pakistani Residents, Colombo ..... *Respondent-Petitioner.*

*against*

MOHIDEEN ABDUL CADER BADURDEEN of No. 191,  
 Piachauds Lane, Maradana ..... *Appellant-Respondent.*

Supreme Court Appeal No. 1,114.

In the matter of an application under Section 4 of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949.

In the matter of an application for Conditional Leave to Appeal to His Majesty the King in Council, by the Respondent-Appellant above named, against the decree dated 18th May, 1951.

20 This cause coming on for hearing and determination on the 8th day of June, 1951, before the Hon. Sir Edward George Perera Jayetileke, Kt., K.C., Chief Justice and the Hon. Mr. E. F. N. Gratiaen, K.C., Puisne Justice of this Court, in the presence of Counsel for the Petitioner and Respondent.

It is considered and adjudged that this application be and the same is hereby allowed upon the condition that the applicant do within one month from this date:—

30 1. Deposit with the Registrar of the Supreme Court a sum of Rs. 3,000 and hypothecate the same by Bond or such other security as the Court in terms of Section 7 (1) of the Appellate Procedure (Privy Council) Order shall on application made after due notice to the other side approve.

2. Deposit in terms of provisions of Section 8 (a) of the Appellate Procedure (Privy Council) Order with the Registrar a sum of Rs. 300 in respect of fees mentioned in Section 4 (b) and (c) of Ordinance No. 31 of 1909 (Chapter 85).

No. 10  
 Decree granting  
 Conditional  
 Leave to  
 Appeal to the  
 Privy Council  
 8-6-51.  
 —contd.

Provided that the applicant may apply in writing to the said Registrar stating whether he intends to print the record or any part thereof in Ceylon, for an estimate of such amounts and fees and thereafter deposit the estimated sum with the said Registrar.

Witness the Hon. Sir Edward George Perera Jayetileke, Kt., K.C., Chief Justice, at Colombo, the 13th day of June, in the year of our Lord One thousand Nine hundred and Fifty-one and of Our Reign the Fifteenth.

(Sgd.) W. G. WOUTERSZ,  
*Deputy-Registrar, S. C.* 10

No. 11  
Application for Final Leave to Appeal to the  
Privy Council

No. 11  
Application for  
Final Leave to  
Appeal to the  
Privy Council  
21-6-51

IN THE SUPREME COURT OF THE ISLAND  
OF CEYLON

In the matter of an application under Section 4 of the Indian  
and Pakistani Residents (Citizenship) Act, No. 3 of 1949.

*And*

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

MOHIDEEN ABDUL CADER BADURDEEN of 191,  
Piachauds Lane, Maradana ..... *Applicant-Appellant.*

*vs.*

V. L. WIRASINHA, Commissioner for the Registration of  
Indian and Pakistani Residents, Colombo ..... *Respondent.*

THE COMMISSIONER for the Registration of Indian and  
Pakistani Residents, Colombo.....*Respondent-Petitioner.*

*vs.*

20 MOHIDEEN ABDUL CADER BADURDEEN of 191,  
Piachauds Lane, Maradana.....*Appellant-Respondent.*

*To :*

THE HONOURABLE THE CHIEF JUSTICE AND THE OTHER JUSTICES  
OF THE HONOURABLE THE SUPREME COURT OF THE ISLAND  
OF CEYLON

On this 21st day of June, 1951.

The petition of the respondent-petitioner above named appearing  
by Clifford Trevor de Saram, his proctor, sheweth as follows:—

30 1. That the respondent-petitioner on the 8th day of June, 1951,  
obtained conditional leave from this Honourable Court to appeal to  
His Majesty the King in Council against the judgment of this Court  
pronounced on the 18th day of May, 1951.

2. That in the order granting conditional leave to appeal no  
conditions were imposed under Rule 3 (b) of the Rules in the  
Schedule to the Appeals (Privy Council) Ordinance (Cap. 85).

No. 11  
Application  
for Final  
Leave to  
Appeal to  
the Privy  
Council  
21-6-51  
—*contd.*

3. That the respondent-petitioner has—

- (a) on the 15th day of June, 1951, deposited with the Registrar of this Court the sum of Rs. 3,000 being the security for costs of appeal under Rule 3 (a) of the schedule rules and hypothecated the said sum of Rs. 3,000 by bond dated 19th day of June, 1951, for the due prosecution of the appeal, and that the payment of all costs that may become payable to the appellant-respondent in the event of the respondent-petitioner not obtaining an order granting him final leave to appeal or of the appeal being dismissed for non-prosecution or of His Majesty in Council ordering the respondent-petitioner to pay appellant-respondent's costs of appeal, and 10
- (b) on the 15th day of June, 1951, deposited the sum of Rs. 300 in respect of the amounts and fees as required by paragraph 8 (a) of the Appellate Procedure (Privy Council) Order, 1921, made under Section 4 (1) of the aforesaid Ordinance.

Wherefore the respondent-petitioner prays that he be granted final leave to appeal against the said judgment of this Court dated the 18th day of May, 1951, to His Majesty the King in Council. 20

(Sgd.) TREVOR DE SARAM,  
*Proctor for Respondent-Petitioner.*

**No. 12**  
**Decree granting Final Leave to Appeal to the**  
**Privy Council**

No. 12  
 Decree granting  
 Final Leave to  
 Appeal to the  
 Privy Council  
 3-7-51

GEORGE THE SIXTH, BY THE GRACE OF GOD OF GREAT  
 BRITAIN, NORTHERN IRELAND AND THE BRITISH DOMINIONS  
 BEYOND THE SEAS KING, DEFENDER OF THE FAITH

IN THE SUPREME COURT OF THE ISLAND  
 OF CEYLON

10 THE COMMISSIONER for the Registration of the Indian and  
 Pakistani Residents, Colombo ..... *Respondent-Petitioner.*

*Against*

MOHIDEEN ABDUL CADER BADURDEEN of 191,  
 Piachauds Lane, Maradana ..... *Appellant-Respondent.*

S. C. No. 1114. Indian and Pakistani Residents (Citizenship)  
 Act, No. 3 of 1949

In the matter of an application by the respondent-petitioner  
 above named dated 21st June, 1951, for final leave to appeal to  
 His Majesty the King in Council against the decree of this Court  
 dated 18th May, 1951.

20 This matter coming on for hearing and determination on the  
 3rd day of July, 1951, before the Hon. Mr. E. F. N. Gratiaen, K.C.,  
 Puisne Justice and the Hon. Mr. E. H. T. Gunasekera, Puisne  
 Justice of this Court, in the presence of Counsel for the applicant  
 and respondent.

The applicant having complied with the conditions imposed on  
 him by the order of this Court dated 8th June, 1951, granting  
 conditional leave to appeal.

30 It is considered and adjudged that the applicant's application  
 for final leave to appeal to His Majesty the King in Council be  
 and the same is hereby allowed.

Witness the Hon. Sir Edward George Perera Jayetileke, Kt.,  
 K.C., Chief Justice, at Colombo, the 9th day of July, in the year of  
 our Lord One thousand Nine hundred and Fifty-one and of Our  
 Reign the Fifteenth.

(Sgd.) W. G. WOUTERSZ,  
*Deputy Registrar, S. C.*

## PART II

## Letter from Applicant to Commissioner

Part II  
 Letter from  
 Applicant to  
 Commissioner  
 4-1-50

M. A. C. Badurdeen,  
 191, Pichauds Lane,  
 Maradana,  
 Colombo, 4th January, 1950.

The Commissioner,  
 Registration of Indian and Pakistani Residents,  
 Torrington Square 7.

10

*Form 1D*

Dear Sir,

Having complied with all the requirements in the above Form to the best of my knowledge, I am herewith enclosing same with the necessary documents for your kind perusal and shall thank you to kindly register me as a Citizen of Ceylon.

Yours faithfully,  
 (Sgd.) M. A. C. BADURDEEN.

Encl.

3—Affidavits

20 2—Birth Certificates.

---

**Affidavit by Applicant and wife**

Affidavit by  
 Applicant and  
 Wife  
 19-11-49

191, Pichauds Lane,  
 Colombo.

We, Mohideen Abdul Cader Badurdeen and Seyed Ibrahim Mohideen Fathima (husband and wife), both of No. 191, Pichauds Lane, Colombo, being Muslims, do hereby solemnly, sincerely and truly declare and affirm as follows:—

30 1. On the 12th day of February, 1938, we were married to each other according to Muslim rites at Sathankulam, Tinnevely District, South India.

2. We are thus husband and wife having been married according to Muslim rites by the Moulavi of Muslim Priest at Sathankulam.

Part II

Affidavit by  
Applicant  
and Wife  
19-11-49  
—contd.

3. We do hereby affirm that the facts set out herein are true.

The foregoing affidavit having  
been read over and explained  
to the affirmants in Tamil and  
they appeared to understand  
the contents thereof, and the  
same was signed and affirmed  
at Colombo on this 19th day of  
November, 1949.

(Sgd.) M. A. C. BADUR-  
DEEN.  
(Sgd.) in Tamil.

Before me,  
(Sgd.) S. M. C. DE SOYZA,  
Commissioner for Oaths,  
Colombo.

10

**Affidavit by K. R. Fernando**

No. 16, Baillie Street,  
Fort, Colombo 1.

Affidavit by  
K. R. Fernando  
15-11-49

I, Kittangodage Romanis Fernando of Colombo, being a Buddhist  
do hereby solemnly, sincerely and truly declare and affirm as  
follows:—

1. I know and I am well acquainted with Mohideen Abdul 20  
Cader Badurdeen of No. 191, Pichauds Lane, Maradana, Colombo.

2. The said Mohideen Abdul Cader Badurdeen has been a resi-  
dent of Ceylon from the year 1928.

3. To my knowledge the said Mohideen Abdul Cader Badurdeen  
was studying in Ceylon and later was managing the business of  
Messrs. A. S. Rawther & Co., conducted by his brothers at No. 357,  
Dam Street, Colombo, from the year 1938.

4. The said Mohideen Abdul Cader Badurdeen is now doing  
business in partnership with Ceylonese under the business name of  
International Import Export (Ceylon) Co., from the year 1945. 30

5. The Mohideen Abdul Cader Badurdeen is a fit and proper  
person to be registered as a Ceylon national.

The foregoing affidavit having  
been read over and explained to  
the affirmant and he affirmed  
and signed at Colombo on this  
15th day of November, 1949.

(Sgd.) K. R. FERNANDO.

Before me,  
(Sgd.) S. M. C. DE SOYZA,  
Commissioner for Oaths,  
Colombo.

40



**Affidavit by G. B. K. Jayaratne**

No. 738, Maradana Road,  
Colombo 10.

**Part II**  
Affidavit by  
G. B. K. Jaya-  
ratne  
15-11-49

I, Garanduwe Banage Kirigoris Jayaratne of Colombo, being a Buddhist, do hereby solemnly, sincerely and truly declare and affirm as follows:—

1. I know and I am well acquainted with Mohideen Abdul Cader Badurdeen of 191, Pichauds Lane, Maradana, Colombo.
  - 10 2. The Mohideen Abdul Cader Badurdeen has been a resident of Ceylon from the year 1928.
  3. To my knowledge the said Mohideen Abdul Cader Badurdeen was studying in Ceylon and later was managing the business of Messrs. A. S. Rawther & Co., conducted by his brothers at No. 357, Dam Street, Colombo, from the year 1938.
  4. The said Mohideen Abdul Cader Badurdeen is now doing business in partnership with Ceylonese under the business name of International Import Export (Ceylon) Co., from the year 1945.
  5. The Mohideen Abdul Cader Badurdeen is a fit and proper person to be registered as a Ceylon National.
- 20 The foregoing affidavit having )  
been read over and explained to )  
the affirmant and he affirmed > (Sgd.) G. B. K. JAYARATNE.  
and signed at Colombo on this |  
15th day of November, 1949. ]

Before me,  
(Sgd.) S. M. C. DE SOYZA,  
Commissioner for Oaths,  
Colombo.

**Certificate from A. S. Rawther & Co.**

30 A. S. Rawther & Co.

P. O. Box 399,  
Colombo, 28th January, 1950.

Certificate from  
A. S. Rawther  
& Co.  
28-1-50

*To whom it may concern*

This is to certify that bearer Mr. Mohideen Abdul Cader Badurdeen was in our firm as Export Manager during the period 1st January, 1939 to August, 1945. During this period he has never been out of Ceylon continuously for one year.

A. S. Rawther & Co.  
(Sgd.) \_\_\_\_\_,  
Partner.

40

Part II

Birth  
Certificate of  
B. Thahira  
Begum  
10-12-38

## BIRTH CERTIFICATE OF B. THAHIRA BEGUM

Translation

BIRTH CERTIFICATE OF B. THAHIRA BEGUM

*Extract from the Register of Births for the Year 1938, for the Sathankulam Union in the Thiruchendur Taluk, Tirunelvelly, Jilla*

260	..	..	..	1	Annual Serial Number	
16	..	..	..	2	Monthly Serial Number	
10th December, 1938	..	..	..	3	Date of Birth	
16/12/38	..	..	..	4	When Registered	
		—	..	5	Male	10
Yes	..	..	..	6	Female	
Mohomedan	..	..	..	7	Religion and Nationality	
Tha Heer	..	..	..	8	If there be any name	
Seyna Muna Seyado Ibrahim Saibo-Veetil Kothuwa Palli Theru-Thona Ana Moona Bahar- deen Saibo				9	Father's name	
Mohideen Pathummal		..	..	10	Mother's Name	
Thaika Theru		..	..	11	Residence	
Sana Muna Assan Saibo		..	..	12	Informant's Name	
Uncle		..	..	13	Informant's relationship	20
Melatheru		..	..	14	Informant's residence	
Sgd. Sana Muna Hassan		..	..	15	If Information Oral, Informants Signature or thumb mark	
Sgd. D. Duranayagam		..	..	16	Registrar's Name and Signature	
				17	Remarks if any	

**True Extract**

Prepared by Sgd. Illegible.

Compared by Sgd. Illegible Actg. Clerk and Reader.

Sgd. R. Narayanan Actg. Clerk (Examiner).  
S.R.O. Satankulam, 23/3/1948

Sgd. Illegibly,  
Sub-Registrar.

Seal of the Sub-Registrar,  
Satankulam.

30

*Note.*—If this Document is produced in Courts stamps must be affixed as required by the Court Fees Act.

Translated by me.

S. SELVAN JOSEPH,  
Sworn Translator, District Court,  
Colombo, 19th July, 1951.

**Birth Certificate of Basheeruddin***St. Luke's Hospital, Nazareth*

Name: Basheeruddin

Sex: M. C.

*True copy of Birth Report*

Serial No. 44.

Name of Mother: Mohuthu Bathma

Age of Mother: 29.

Name of Father: Badurdeen

10 Address: Sathankulam P. O.

Place: Sathankulam

Caste: Mohamodan

Sex: Male

Date of Birth: 13. 3. 45.

Date of Report:

Conducted by Nurse Thomas.

(Sgd.) G. R. VEDABODAKAM,  
Medical Officer.

Part II

Birth  
Certificate of  
Basheeruddin  
13-3-45

C 460

20

**Schedule of Documents Produced**Schedule of  
Documents  
produced

No.	Date	Description
1941		
1 ..	7. 1.41 ..	Embarkation certificate
1942		
1 ..	29. 1.42 ..	Customs permit
2 ..	12. 2.42 ..	Appln. for a licence to Export or Re-export
1943		
1 ..	25. 5.43 ..	Identity Card
1944		
1 ..	15. 11. 44 ..	Credit slip from Imperial Bank of India
2 ..	21. 9.44 ..	Regtd. envelope
3 ..	— ..	do. (Indian Postage)

Part II	No.	Date	Description	
Schedule of Documents produced— <i>contd.</i>	1945			
	1 ..	28. 2.45 ..	Telegram	
	2 ..	27. 2.45 ..	do.	
	3 ..	13. 3.45 ..	do.	
	1946			
	1 ..	9. 6.46 ..	Certificate of vaccination—Quarantine	
	2 ..	3.12.46 ..	do.	
	1947			
	1 ..	5. 3.47 ..	Certificate of vaccination—Quarantine	10
	2 ..	5. 3.47 ..	Embarkation certificate	
	3 ..	April, 1947 ..	Post Card addressed to applicant	
	4 ..	15. 9.47 ..	Envelope of Regtd. letter	
	5 ..	27.10.47 ..	Telegram	
	6 ..	25.11.47 ..	do.	
	7 ..	17.11.47 ..	National Savings Certificate T. 76650	
	8 ..	25.11.47 ..	do. T. 77717	
	9 ..	1.12.47 ..	Telegram	
	10 ..	6.12.47 ..	do.	
	1948			
	1 ..	29. 3.48 ..	Certificate of vaccination	20
	2 ..	29. 3.48 ..	Embarkation certificate	
	3 ..	20. 4.48 ..	Telegram	
	4 ..	9. 7.48 ..	Temporary permit to enter Colombo Port premises	
	5 ..	15. 8.48 ..	do.	
	6 ..	25. 9.48 ..	Telegram	
	1949			
	1 ..	9. 3.49 ..	Envelope of Regtd. letter from Income Tax Department	
	2 ..	12. 3.49 ..	Lr. from Grindlays Bank	
	3 ..	30. 3.49 ..	do.	
	4 ..	28. 4.49 ..	Lr. from Cont. of Exchange	30
	5 ..	25. 5.49 ..	do.	

## SCHOOL RECEIPTS

Part II

Lorenz College		Lorenz College		Lorenz College		Lorenz College		Lorenz College		Lorenz College	
No. 14277		21-9-1948		No. 447		8-2-1949		No. 942		15-3-1949	
		Rs. c.				Rs. c.				Rs. c.	
Form or St. II		Received from A. M. B. T. Begum		Form or Std. III		Received from Thahira Begum		Form or Std. III		Received from A. M. B. Thahira	
School fees for September		... 6 0		School Fees for February		... 6 50		School Fees for March		... 6 50	
Game and Library		... 50		Game and Library		... —		Game and Library		... —	
Entrance Fees		... 4 0		Entrance Fees		... —		Entrance Fees		... —	
Late Fees		... —		Late Fees		... —		Late Fees		... 50	
Total		... 10 50		Total		... 6 50		Total		... 7 0	
Bal. Due				Bal. Due				Bal. Due			
(Sgd.) J. D. P. PERERA,		Principal.		(Sgd.) J. D. P. PERERA,		Principal.		(Sgd.) J. D. P. PERERA,		Principal.	
No. 14413		8-10-1948		No. 3015		8-4-1949		No. 827		27-1-1949	
		Rs. c.				Rs. c.				Rs. c.	
Form or Std. II		Received from A. M. B. T. Begum		Form or Std. III		Received from J. A. M. B. Begum		Form or Std. III		Received from J. A. M. B. Begum	
School Fees for October		... 6 0		School Fees for April		... 6 50		School Fees for January		... 6 50	
Game and Library		... —		Game and Library		... —		Game and Library		... 50	
Entrance Fees		... —		Entrance Fees		... —		Entrance Fees		... 50	
Late Fees		... —		Late Fees		... —		Late Fees		... —	
Total		... 6 0		Total		... 6 50		Total		... 7 50	
Bal. Due				Bal. Due				Bal. Due			
(Sgd.) J. D. P. PERERA,		Principal.		(Sgd.) J. D. P. PERERA,		Principal.		(Sgd.) J. D. P. PERERA,		Principal.	
No. 16063		8-12-1948		No. 4184		10-5-1949		No. 50		27-1-1949	
		Rs. c.				Rs. c.				Rs. c.	
Form or St. II		Received from A. M. B. T. Begum		Form or Std. III		Received from J. A. M. B. Begum		Form or Std. III		Received from J. A. M. B. Begum	
School Fees for December		... 6 0		School Fees for May		... 6 50		School Fees for January		... 6 50	
Game and Library		... —		Game and Library		... 50		Game and Library		... 50	
Entrance Fees		... —		Entrance Fees		... —		Entrance Fees		... —	
Late Fees		... —		Late Fees		... —		Late Fees		... —	
Total		... 6 0		Total		... 6 50		Total		... 7 50	
Bal. Due				Bal. Due				Bal. Due			
(Sgd.) J. D. P. PERERA,		Principal.		(Sgd.) J. D. P. PERERA,		Principal.		(Sgd.) J. D. P. PERERA,		Principal.	

Part II  
School receipts  
Sept. 1948 to  
June 1950  
—contd.

<b>Lorenz College</b>		
No. 4526	8-6-1949	
	Rs. c.	
Form or Std. III		
Received from J. A. M. B. Begum		
School Fees for June	... 6 50	
Game and Library	... —	
Entrance Fees	... —	
Late Fees	... —	
	Total ... 6 50	
Bal. Due		
(Sgd.) J. D. P. PERERA, Principal.		

<b>Lorenz College</b>		
No. 4886	8-7-1949	
	Rs. c.	
Form or Std. III		
Received from J. A. M. B. Begum		
School Fees for July	... 6 50	
Game and Library	... —	
Entrance Fees	... —	
Late Fees	... —	
	Total ... 6 50	
Bal. Due		
(Sgd.) J. D. P. PERERA, Principal.		

<b>Lorenz College</b>		
No. 5331	9-8-1949	
	Rs. c.	
Form or Std. III		
Received from J. A. M. B. Begum		
School Fees for August	... 6 50	
Game and Library	... —	
Entrance Fees	... —	
Late Fees	... —	
	Total ... 6 50	
Bal. Due		
(Sgd.) J. D. P. PERERA, Principal.		

<b>Lorenz College</b>		
No. 5746	21-9-1949	
	Rs. c.	
Form or Std. III		
Received from Thahira Begum		
School Fees for September (Part)	... 6 50	
Game and Library	... —	
Entrance Fees	... —	
Late Fees	... —	
	Total ... 6 50	
Bal. Due 50 cents		
(Sgd.) J. D. P. PERERA, Principal.		

<b>Lorenz College</b>			
No. 5975	10-10-1949		
	Rs. c.		
Form or Std. III			
Received from T. Begum			
School Fees for arr and October	part 6 0		
Game and Library	... —		
Entrance Fees	... —		
Late Fees	... —		
	Total ... 6 0		10
Bal. Due Re. 1			
(Sgd.) J. D. P. PERERA, Principal.			

<b>Lorenz College</b>			
No. 6267	7-11-1949		
	Rs. c.		
Form or Std. III			
Received from T. Begum			
School Fees for Arr. and			
November part	... 7 0		
Game and Library	... —		
Entrance Fees	... —		
Late Fees	... —		
	Total ... 7 0		20
Bal. Due 50 cents			
(Sgd.) J. D. P. PERERA, Principal.			

<b>Lorenz College</b>			
No. 6778	9-12-1949		
	Rs. c.		
Form or Std. III			
Received from T. Begum			
School Fees for August and December	6 50		
Game and Library	... —		
Entrance Fees	... —		
Late Fees	... —		
	Total 6 50		30
Bal. Due 50 cents			
(Sgd.) J. D. P. PERERA, Principal.			

<b>Lorenz College</b>			
No. 7230	13-1-1950		
	Rs. c.		
Form or Std. IV			
Received from T. Begum			
School Fees for Arr. and January			
part	... 7 0		
Game and Library	... —		
Entrance Fees	... —		
Late Fees	... —		
	Total ... 7 0		50
Bal. Due Re. 1.50			
(Sgd.) J. D. P. PERERA, Principal.			

		<b>Lorenz College</b>	
10	No. 7511	8-2-1950	Rs. c.
	Form or Std. IV		
	Received from Begum Thahira		
	School Fees for Arr. and February		
	part	...	8 0
	Game and Library	...	—
	Entrance Fees	...	—
	Late Fees	...	—
	Total	...	8 0
	Bal. Due Re. 1		
	(Sgd.) J. D. P. PERERA,		
	Principal.		

		<b>Lorenz College</b>	
20	No. 7941	8-3-1950	Rs. c.
	Form or Std. IV		
	Received from T. Begum		
	School Fees for Arr. and March	...	8 50
	Game and Library	...	—
	Entrance Fees	...	—
	Late Fees	...	—
	Total	...	8 50
	Bal. Due		
	(Sgd.) J. D. P. PERERA,		
	Principal.		

		<b>Lorenz College</b>	
30	No. 8899	19-5-1950	Rs. c.
	Form or Std. IV		
	Received from A. M. B. Thahira Begum		
	School Fees for Arr. ...	...	8 0
	Game and Library	...	—
	Entrance Fees	...	—
	Late Fees	...	—
	Total	...	8 0
40	Bal. Due Rs. 8		
	(Sgd.) J. D. P. PERERA,		
	Principal.		

		<b>Lorenz College</b>	
	No. 8972	23-5-1950	Rs. c.
	Form or Std. IV		
	Received from Thahira Begum		
	School Fees for May ...	...	8 0
	Game and Library	...	—
	Entrance Fees	...	—
	Late Fees	...	—
	Total	...	8 0
	Bal. Due		

(Sgd.) J. D. P. PERERA,  
Principal.

		<b>Lorenz College</b>	
	No. 9298	13-6-1950	Rs. c.
	Form or Std. IV		
	Received from A. M. B. Thahira Begum		
	School Fees for June ...	...	8 0
	Game and Library	...	—
	Entrance Fees	...	—
	Late Fees	...	—
	Total	...	8 0
	Bal. Due		
	(Sgd.) J. D. P. PERERA,		
	Principal.		

Part II

School receipts  
Sept. 1948 to  
June 1950  
—contd.

## Part II

Letter from  
Commissioner  
to Applicant  
6-1-50

**Letter from Commissioner to Applicant**

No. C. 460.

Date: 6. 1. 50

To : M. A. C. Badurdeen, Esq.  
191, Pichauds Lane, Maradana.

Sir,

I have the honour to acknowledge receipt of your application dated 19. 11. 49 for registration under the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949.

The serial number assigned to your application is C.460. Please 10  
quote this number in subsequent correspondence on this subject.

I am, Sir,  
Your obedient servant,  
(Sgd.) D. C. KURUPPU,

for Commissioner for the Registration of Indian  
and Pakistani Residents.

P. O. Box 587  
Torrington Square, Colombo.

**Report of the Investigating Officer**

C.490. 20

Report of the  
Investigating  
Officer  
31-1-50

*Verified.* Born in India and emigrated to Ceylon in 1928.

Educated at Hulftsdorp Boys' School 1929-33. St. Joseph's  
1933-35.

Manager, A. S. Rawther & Co. Jan. 39-Aug. 45. Proof annexed.  
Partner, International Import & Export Co., 57, Messenger St.  
Sep. 45 to date.

Documents in proof of uninterrupted residence 1945-49 produced  
by him are annexed.

Assessed income Rs. 5,869 p.a. Pays income tax since 1947.

Wife and children are with him at address. They came to settle 30  
down permanently in Ceylon in March, 1948.

(Sgd.) C. E. DE SILVA,  
Investigating Officer.

31. 1. 50.



**Letter from Commissioner to Proctor for Applicant**

Copy to Mr. M. A. C. Badurdeen,  
191, Pichauds Lane, Maradana.

No. C. 460.

Office of the Commissioner for the  
Registration of Indian and  
Pakistani Residents,  
P. O. Box 587,  
Colombo 7, May 8, 1950.

Part II  
Letter from  
Commissioner  
to Proctor for  
Applicant  
8-5-50

10 *Application No. 460.*

Sir,

With reference to your letter dated May 2, 1950, I have the honour to inform you that the matter is fixed for inquiry on 18. 5. 50 at 10 a.m. at this office.

I am, Sir,  
Your obedient Servant,  
(Sgd.) D. C. KURUPPU,  
Deputy Commissioner,  
for Commissioner.

20 S. Hari Hara Aiyar Esq.,  
Proctor S. C.,  
No. 258, Hultsdorf Street,  
Colombo.

**Letter from Proctor for Applicant to Commissioner**

The Commissioner for the Registration of  
Indian and Pakistani Residents,  
P. O. Box 587, Colombo 7.

16. 5. 50.

Letter from  
Proctor for  
Applicant to  
Commissioner  
16-5-50

*Application No. C. 460.*

Inquiry on 18. 5. 50. at 10 a.m.

30 Sir,

With reference to your letter dated 16th May, 1950, on the above subject as I explained to Mr. Weerasinghe, the Commissioner, my client Mr. M. A. C. Badurdeen is ill in hospital. I request you to be good enough to grant me a date for the above inquiry.

Thanking you,

I am, Sir,  
Your obedient Servant,  
(Sgd.) S. HARI HARA AIYAR,  
Proctor for Mr. Badurdeen.

Part II

**Letter from Commissioner to Proctor for Applicant**

Letter from  
Commissioner to  
Proctor for  
Applicant  
27-5-50

Copy to Mr. M. A. C. Badurdeen,  
191, Pichauds Lane, Maradana.

No. C. 460.

Office of the Commissioner for the  
Registration of Indian and  
Pakistani Residents,  
P. O. Box 587,  
Colombo 7, May 27, 1950.

*Application No. C. 460.*

10

Sir,

With reference to your letter dated 16. 5. 50, I have the honour to inform you that the inquiry is postponed for 12th June, 1950, at 10 a.m. at this office.

I am, Sir,  
Your obedient Servant,  
(Sgd.) \_\_\_\_\_,  
for Commissioner.

S. Hari Hara Aiyar, Esqr.,  
Proctor S. C.,  
258, Hulftsdorp Street,  
Colombo.

20

12. 6. 50. Advocate retained by Mr. Hari Hara Aiyar telephones requests postponment. Inquiry re-fixed for 26. 6. 50. at 3 p.m. No need to inform applt.

(Sgd.) V. L. WIRASINHA,  
Commissioner.