



CNR: KAHC010304562022

NC: 2026:KHC:40605
WP No. 13767 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 13767 OF 2022 (GM-PASS)

BETWEEN:

SULTANA PARVEEN
AGED ABOUT 12 YEARS
MINOR, D/O AKTHAR UNNISA
REP BY P A HOLDER
HER AUNT, GOWHAR UNNISA
AGED ABOUT 54 YEARS
D/O SYED ABDUR RAHAMAN
R/AT 12-1-21 A, NEAR EXTN MSJID
T B CROSS, T S EXTENSION
RAMANAGARA - 562 159
KARNATAKA.

...PETITIONER

(BY SRI. S.A. WAJID S A.,ADVOCATE)

AND:

1. THE SECRETARY
GOVT. OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
E-BLOCK CENTRAL SECRETARIAT
NEW DELHI - 110 001.
2. THE JOINT SECRETARY (JS AND CPO)
GOVT OF INDIA
MINSITRY OF EXTERNAL AFFAIRS
PSP DIVISON
PATIALA HOUSE ANNEXED
NEW DELHI - 110 011.

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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3. THE REGIONAL PASSPORT OFFICER
GOVT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
82 FEET ROAD, 8TH BLOCK
KORAMANGALA, BANGALORE - 560 095.

...RESPONDENTS

(BY SRI. S.R. DODAWAD., CGC)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THEM TO READ THE MODIFIED PROVISIONS OF THE PASSPORT MANUAL PURSUANT TO THE CIRCULAR DATED. 25.10.2018 UNDER WHICH THE ORDER OF REFUSAL PRODUCED AT ANNEX-F ISSUED TO THE PETITIONER TREATING HER NRI PARENT-MOTHER AS DEEMED CITIZEN OF INDIA, WHO IS HOLDING AN OCI (OVERSEAS INDIAN CITIZEN) STATUS, NOTWITHSTANDING HIS/HER ACQUIRED FOREIGN NATIONALITY IN THE MATTERS RELATING TO GRANTING INDIAN PASSPORT OR ITS RENEWAL TO AN A APPLICANT, WHO REMAINS IN THE LEGAL CUSTODY OF THE SUCH AN NRI-FOREIGN NATIONAL.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



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ORAL ORDER

1. Petitioner-minor child represented by her Aunt is before this Court seeking following reliefs;

"(a) Issue a Writ of Mandamus to the Respondents directing them to read the modified provisions of the Passport Manual pursuant to the Circular dated: 25.10.2018, under which the ORDER OF REFUSAL produced at ANNEXURE-F; issued to the petitioner treating her NRI Parent-Mother as deemed Citizen of India, who is holding an OCI (Overseas Indian Citizen) status, notwithstanding his/her acquired Foreign Nationality in the matters relating to granting Indian Passport or its Renewal to an a Applicant, who remains in the legal custody of the such an NRI-Foreign National.

(b) Issue such other Writ, Order or a Direction as may be deem fit in the circumstances of the case, in the interest of justice and equity. "

2. The facts of the case are that petitioner was born on 19.11.2009 at Ramanagaram to her biological parents namely, Akthar Unisa and Khalid Hamid. The marriage of the parents of the minor child went through rough weather resulting in dissolution of the same in terms of Khula on 29.05.2011. Thereafter, the mother of the child had preferred a petition under Sections 7 and 8 of the Guardians and Wards Act, 1890 before the I Additional District and Sessions Court at Ramanagar in G & WC No.2/2013, seeking guardianship and custody of the



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child, which came to be allowed, declaring natural mother to be the guardian and the custodian of the petitioner-minor child.

3. Subsequently, the natural mother of the petitioner-child contacted another marriage with one Mohammad Amil, who is stated to be a citizen of United States of America. Accordingly, subsequent to her second marriage she travelled to Atlanta in USA and settled down there and has acquired the citizenship of United States by renouncing her Indian citizenship. During this process, petitioner-minor child remained with her maternal grandparents and aunt at Ramanagar.
4. It is in these factual background, petitioner-minor child who was possessing a passport which was due to expire on 06.10.2018 had approached the respondent-passport authorities for renewal, which request has been declined in view of a Office Memorandum/Circular dated 25.10.2018 produced at Annexure-R4.



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5. The said Office Memorandum/Circular indicate that as per the guidelines issued by the Ministry of External Affairs dated 25.10.2018, provisions of Passport Manual 2016, wherein one parent has renounced the Indian Citizenship and the other parent is still an Indian citizen, the citizenship of the minor shall be of that person who has legal custody of the minor child and the eligibility of an Indian passport will be determined on the basis of his/her citizenship and that since in the instant case, the minor child was in the custody of the mother who herself had renounced the citizenship a request was declined directing her to prefer an appeal before the Joint Secretary.
6. Based on which, an appeal was filed. The said appeal was disposed of by holding that since the mother is a citizen of United States of America, the child ceases to be an Indian citizen and as such not eligible for Indian passport. However, on humanitarian ground child was given passport for 1 year.



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7. Matter was heard on 24.07.2026, on a specific query by this Court regarding possibility of grant of Short Validity Passport (SVP), learned counsel for the respondents had sought time to seek necessary instructions.
8. Learned counsel for the respondents, today has filed a memo dated 03.08.2026, along with copy of the E-mail communication. The memo reads as under:

"MEMO FILED BY RESPONDENTS

In the above matter, undersigned seeks leave of this Hon'ble Court to place on record e-mail communication received from Assistant passport Officer, Regional Passport Office, Bengaluru conveying the instruction of the Ministry agreeing to grant Short Validity Passport (SVP) valid for 2 years to the minor Petitioner. Leave may kindly be granted, in the interest of justice."

9. The E-mail dated 27.07.2026, reads as under:

"Sir,

In the above matter, the Petitioner has sought for issuance of Passport to Minor child whose Mother Akthar Unnisa has renounced the citizenship of India and has acquired citizenship of USA. The Mother of Petitioner Sultana Parveen has got the custody of minor petitioner vide Order 19/07/2013 made by I Additional District & Sessions Court at Ramanagara in G& WC No.02/2013.

On 24/07/2026, Hon'ble High Court heard the subject case. After referring to Judgment made by Hon'ble High Court in the case of master Arya Selvakumar Priya Vs.Joint Secretary (PSP) and Others [WP 21642/2022 decided on 21/03/2023] and Judgment date 30/01/2023 made by Hon'ble Madras High Court in WP(MD) No.2789320200 (Harina VS. RPO) has asked me to get the instruction from the Department whether 2 years passport can be issued to the minor Petitioner, as she is attaining majority in next fifteen months and after attaining



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majority she can take a decision to retain the citizenship of India or to acquire the citizenship of USA.

Previously, the minor petitioner was extended earlier on two occasions. Even while dismissing the Appeal preferred by the Petitioner, vide Order No.VIII/402/App-44/2021 dated 30/12/2021, the Joint Secretary (PSP) & Chief Passport Officer ordered to issue short validity passport with one year validity on humanitarian grounds.

Taking note of the aforesaid Judgments and issuance of Short Validity passport to the minor Petitioner, Hon'ble High Court has asked me to get the instruction from the Department whether 2 years passport can be issued to the minor Petitioner, as she is attaining majority in next fifteen months and after attaining majority she can take a decision to retain the citizenship of India or to acquire the citizenship of USA.

The decision of the Department be communicated to me at the earliest as the case is next listed on 03-08-2026. Please treat the matter as URGENT.

10. Learned counsel for the petitioner, at this juncture submits that since the respondents have agreed to grant Short Validity of Passport (SVP) for a period of 2 years, he would not press the other reliefs sought for in the petition.
11. Reserving such liberty to urge, if need to be, submissions and memo are placed on record.
12. Since the respondent No.3-Regional Passport Officer has agreed to extend the Short Validity of Passport (SVP) for a period of two years. Under the circumstances, following:



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ORDER

(i) Petition is ***disposed of***.

(ii) Petitioner shall apply seeking grant of Short Validity of Passport (SVP) before respondent No.3-Regional Passport Officer, through her aunt Smt. Gowhar Unnisa, since the petitioner-minor child is under her care and custody.

(iii) Such application shall be made by the petitioner within thirty days from the date of receipt of certified copy of this order.

(iv) Upon receipt of such application, respondent No.3-Regional Passport Officer, Bengaluru shall extend the Short Validity of Passport (SVP) for a period of two years, as stated in the memo recorded herein above, as expeditious as possible thereafter.

**Sd/-
(M.G.S. KAMAL)
JUDGE**