

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 133 OF 2017

MRS. SUHASINI S. GOVEKAR AND ANR., ... Petitioners

Versus

THE UNDER SECRETARY, GOVT. OF
INDIA AND 2 ORS., ... Respondents

Shri Devidas J. Pangam, Advocate for the Petitioners.

Shri Mahesh Amonkar, Central Government Standing Counsel
for the Respondent Nos. 1 and 3.

Shri Ashwin D. Bhobe with Ms. Shradha Bhobe, Advocates for
the Respondent No. 2.

Coram:- C. V. BHADANG, J.

Date:- 11th September 2017

P.C:

Shri Amonkar, the learned Central Government Standing Counsel for the respondent nos. 1 and 3 has relied upon the judgment of the Division Bench of this Court, in the case of BRIJLAL ZUMBARLAL SARDA Vs. AMRULLA ASADULLA IRANI & OTHERS, 1986 3 BOM.C.R. 681, in order to submit that the petitioner does not have locus standi to challenge the impugned order passed by the respondent no. 1 under Section 9(2) of the Citizenship Act, 1955 (the Act, for short).

2. I have gone through the said judgment. In the case of BRIJLAL ZUMBARLAL SARDA (supra), the petitioner had filed an election petition, challenging the election of the respondent no. 1, on the ground that the respondent no. 1 has voluntarily acquired Iranian citizenship and has ceased to be an Indian Citizen. The competent Authority of the Central Government under the provisions of Section 9(2) of the Act, found that the respondent no. 1 was an Indian Citizen, which order was subject matter of challenge before the Division Bench.

The Division Bench in categorical terms held that the matter of citizenship is one between the person, who claims it and the Central Government and no other person is concerned therewith. It has been specifically held that no other person can challenge the grant or refusal of citizenship status.

3. The learned Counsel for the petitioner has submitted that the provisions of the Indian Citizenship Act have not been considered by the Division Bench. I am afraid that, in view of the binding precedent, this Court cannot consider such a submission.

4. Considering the judgment of the Division Bench in the case of BRIJLAL ZUMBARLAL SARDA (supra), the petition cannot be entertained, at the instance of the petitioner, for want of locus standi. The petition is accordingly dismissed, with no order as to

costs.

C. V. BHADANG, J.

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