

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 30601 OF 2017

ORDER:

This Writ Petition is filed questioning the order dated 31.08.2017 of the 2nd respondent Joint Secretary to Government of India, Ministry of Home Affairs which was served on the petitioner on 05.09.2017.

Heard learned counsel for the petitioner, learned Senior Counsel appearing on behalf of one Sri Aadi Srinivasa, who filed the complaint before the Central Government challenging the citizenship granted in favour of the petitioner under the Citizenship Act, 1955 (for short, 'the Act') and Sri K. Lakshman, learned Assistant Solicitor General.

Though various issues have been raised by the learned counsel for the petitioner and, in opposition, submissions have been made by the learned Senior Counsel on behalf of the complainant, who had filed the complaint before the Central Government and the learned Assistant Solicitor General, in the facts of the present case, the interests of justice would be served if a direction is given to the 1st respondent Central Government to consider and pass appropriate orders on merits on the review petition filed by the petitioner under Section 15A of the Act. Further, considering the fact that the petitioner has been residing in India over a long period and was elected as a public representative, the balance of convenience is in favour of the petitioner in keeping the impugned order in abeyance till such time the review filed by the petitioner is disposed of on merits.

Accordingly, the 1st respondent Union of India is directed to take up the review filed by the petitioner for consideration and pass necessary orders thereon on its merits. Till then, the order passed by the 2nd respondent dated 31.08.2017 shall be kept in abeyance.

As it is the matter concerning the citizenship of the petitioner and as the unsuccessful candidate, who had contested the election against the petitioner, had filed Election Petition No. 5 of 2014 and much time had lapsed without deciding the said Election Petition, it is directed that the 1st respondent shall, without fail, dispose of the review filed by the petitioner within a period of six weeks from the date of receipt of a copy of this order. It is made clear that the respective parties shall be at liberty to place before the Central Government the necessary material in addition to what has already been furnished. It is further made clear that to obviate any complaint of not being provided an opportunity of hearing, the 1st respondent shall ensure that proper opportunity is given to all the parties concerned.

Subject to the above observations, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

11th September 2017

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