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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8111/2017**

NARENDRA PATIL

..... Petitioner

Through: Ms Rama Bhagat, Advocate.

versus

UNION OF INDIA THROUGH SECRETARY

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.09.2017

CM No. 33361/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 8111/2017

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

"A. Issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to proceed under Section 10 of the Citizenship Act and Restore the Petitioner's Indian citizenship in compliance of directions of Justice Rajiv Sahai Endlaw in WPC No. 11369 of 2015."

4. The petitioner was an Indian Citizen. He had applied for an Australian Citizenship (which was granted) and consequently, his Indian Citizenship was cancelled.
5. It is the petitioner's case that he had applied for Australian Citizenship under a misconception that he would also continue to be an

Indian Citizen.

6. In the aforesaid context, the petitioner filed a writ petition bearing W.P. (C) No. 11369/2015, which was disposed of by an order dated 08.12.2015 in terms of the following order:-

"W.P.(C) No.11369/2015.

3. The petitioner, an Indian national, presently in Australia states that under a misconception that he can be a citizen of India as well as of Australia he obtained Australian citizenship and immediately on realising the mistake that on acquiring the Australian citizenship he has ceased to be an Indian citizen, has applied to the respondents. This writ petition is filed seeking a direction to the respondents to restore the Indian citizenship of the petitioner.

4. The petitioner, in the petition, has stated that he is willing to surrender his Australian citizenship. However the petitioner has not done so till date. Till the petitioner is an Australian citizen, the reliefs as claimed in the petition cannot be granted.

5. The counsel for the respondents appearing on advance notice states that as soon as the petitioner surrenders his Australian citizenship and furnishes proof thereof, the requisite steps would be taken and upon the petitioner taking the necessary steps and of which he shall be intimated on making enquiries, his request for restoration of his Indian citizenship shall be processed and a decision taken thereon.

6. In this view of the matter, need is not felt to entertain this petition. The petitioner, after surrendering his Australian citizenship, is at liberty to approach the respondents for restoration of his Indian citizenship.

No costs."

7. There is no ambiguity in the aforesaid order and if the petitioner surrenders the Australian citizenship, he would be at liberty to approach the respondents for restoration of his status as an Indian citizen. Although, the petitioner's prayer is that the respondents be directed to proceed under Section 10 of the Citizenship Act, 1955, this Court is unable to appreciate as to how the said provision is applicable in this case. The learned counsel for the petitioner submits that all that the petitioner wants is “*that the petitioner's surrender of his Australian Citizenship be endorsed by the Indian Authorities*”. First of all, no such prayer has been made in the petition. Second, it appears that the petitioner is essentially seeking a clarification of the order dated 08.12.2015 passed in W.P.(C) 11369/2015.

8. Thus, the present petition is disposed of by permitting the petitioner to file an appropriate application in the disposed of petition - W.P.(C). 11369/2015

VIBHU BAKHRU, J

SEPTEMBER 20, 2017
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