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

+ **W.P.(C) 788/2018**

KINAN ISMAIL

..... Petitioner

Through: Mr Karan S. Thukral, Mr Rohit
Yadav, Mr Kapil Kumar and Ms M.
Bhargava, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Dev P. Bhardwaj, CGSC with Mr
Satya Prakash Singh and Ms Anubha
Bhardwaj, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.01.2018**

CM APPL. 3385/2018

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

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3. Issue notice.
4. The learned counsel appearing for the respondent accepts notice.
5. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent to register him as an Indian Citizen in pursuance of his application dated 06-07-2015 under section 5(1) (c) of the Citizenship Act.”

6. The petitioner is a citizen of Syria and is currently residing in Dubai. The petitioner states that he is married to an Indian citizen and their children have also been registered as Indian citizens.

7. It is stated that the petitioner had applied for grant of Indian Citizenship on 06.07.2015 by submitting an application on the online portal of the Ministry of Home Affairs, Government of India. The petitioner's grievance is that his application has not been considered as yet despite several reminders.

8. Mr Bharadwaj, the learned counsel appearing for the respondent submits that the petitioner is not '*ordinarily resident in India*' and, therefore, the condition under Section 5(1)(c) of the Citizenship Act, 1955 (hereafter 'the Act') is not met.

9. It is seen that in terms of Section 5(6) of the Act, the Central Government may exempt a person from the residential requirement under Section 5(1)(c) of the Act, if it is satisfied that circumstances exist, which render it necessary to grant such exemption.

10. In the present case, the petitioner is residing with his family in Dubai and, therefore, it would be necessary for the Central Government to consider the same while deciding the petitioner's application for citizenship of this country.

11. In view of the above, the petition is allowed and the respondent is directed to consider the petitioner's application in accordance with law as expeditiously as possible in any event within a period of 12 weeks from today.

12. *Dasti.*

VIBHU BAKHRU, J

JANUARY 29, 2018/RK