HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.04/2020

Sri Nitai Chandra Paul

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

For Petitioner(s) : Mr. Ashish Nandi, Advocate.

For Respondent(s) : Mr. Dipankar Sharma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

19/11/2020

The respondents in the affidavit-in-reply dated 16.09.2020 filed by one Sri Sivaji Saha, Deputy Secretary to the Government of Tripura, Revenue Department have made following declaration:

> "8. That, in reply to averments and/or contentions made in paragraph 1 of the writ petition it is stated that the respondent no.3 i.e., Addl. District Magistrate & Collector, West Tripura as authenticated the Citizenship Certificate as issued by the Addl. District Magistrate & Collector, it proves that once he was a resident of Tripura.
>
> It is humbly submitted that there was no provision to write the word "By Birth" in the prescribed form of Citizenship, but it was clearly stated in that Certificate, "Sri

Nitai Chandra Paul therefore, primafacia qualify for recognisation as an Indian Citizen with meaning of Section of 3(1) of the Citizenship Act, 1955". This Section provides eligibility of getting Citizenship by birth.

Section 3(1) of the Citizenship Act, 1955 reads as follows-

"Citizenship by birth.—(1) Except as provided in sub-section (2), every person born in India—

(a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;

(b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004) and either of whose parents is a citizen of India at the time of his birth;

(c) on or after the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004), where—

(i) both of his parents are citizens of India; or

(ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth."

In view of this unequivocal stand taken by the respondents in the affidavit-in-reply, the grievances of the petitioner do not survive. If the petitioner requires any further document or certificates, it is always open for

the petitioner to apply for the same in view of this stand taken by the Government in the said affidavit-in-reply.

Petition is disposed of accordingly.

(AKIL KURESHI), CJ

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HIGH COURT OF TRIPURA
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