

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15195 of 2021

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Kiran Gupta Wife of Ashok Prasad Gupta, Resident of Ward No. 10, North Panchayat Manik Chowk, Post Office and Police Station - Manik Chowk Block - Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary (MHA) Ministry of Home Affairs Department, Government of India, New Delhi.
2. The Secretary (MHA), Ministry of Home Affairs Department, Government of India, New Delhi.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Home Department, Government of Bihar, Patna.
5. The District Magistrate, Sitamarhi.
6. The Sub Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
7. The Block Development Officer, Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Singh, Sr. Adv. Mr. Ranvijay Narain Singh, Adv.
For the Respondent-State:		Mr. Shailesh Kumar, AC to GP-5
For the Union of India	:	Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021 The present writ petition has been filed for directing the respondent-authorities to issue certificate of naturalization in favour of the petitioner at the earliest in as much as such application of the petitioner for the purposes of declaring the petitioner as a citizen is pending since 03.06.2020.

The Ld. Senior counsel for the petitioner, Shri Rajesh Singh, assisted by Shri Ran Vijay Narain Singh, Advocate, submits that the petitioner having



renounced her Nepali citizenship on 24.02.2016 and residing in Indian since 18.06.2003, had applied for citizenship by filing an application before the learned Collector, Sitamarhi on 03.06.2020. It is the further case of the petitioner that vide Annexure-6, the learned Collector, Sitamarhi, by a letter dated 18.03.2021 had recommended the case of the petitioner to the Home (Special) Department, Patna, however, till date nothing has happened.

The Ld. Senior counsel for the petitioner has further submitted that as per the mandate of Rule 12 (4) of the Citizenship Rules, 2009, in case the application of the petitioner for grant of a certificate of citizenship is not processed, either by the Collector or by the State Government within a period of 90 days, the applicant is free to represent before the Central Government by enclosing a copy of the acknowledgment issued by the learned Collector. The Ld. Senior counsel for the petitioner has submitted that since more than 90 days have lapsed and the State Government has not taken any action upon the application of the petitioner for issuance of citizenship certificate, the petitioner had filed a representation before the Government of India, New Delhi.



Nonetheless, it is prayed that the petitioner be granted liberty to approach the Government of India in terms of Rule 12(4) of the Citizenship Rules, 2009.

The Ld. Counsel appearing for the Union of India, Shri Anshay Bahadur Mathur as also the learned counsel for the respondent State, Shri Shailesh Kumar, AC to GP-5 submit that the petitioner is free to move the competent authority, in accordance with law as also as per the provisions contained in the Citizenship Rules, 2009.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned Senior counsel for the petitioner as also by the learned counsels for the respondents, this Court deems it fit and appropriate to grant liberty to the petitioner to approach the Central Government, in the Ministry of Home Affairs, in accordance with the provisions contained in Rule 12(4) of the Citizenship Rules, 2009, for redressal of her grievances in as much as though the acknowledgment regarding receipt of the application of the petitioner for naturalization under Clause 6(1) of sub-section (1) of Section 6 of the Citizenship Act, 1955, is dated 12th April, 2021, but till date no final decision has been taken by the



respondents State.

It is needless to state that in case appropriate application is filed within a week by the petitioner under Rule 12(4) of the Citizenship Rules, 2009 before the Central Government in the Ministry of Home Affairs, New Delhi, the same shall be considered and disposed of in accordance with law within a period of two weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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