

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13306 of 2015

=====

Satayam Kumari W/o Chandra Madhaw resident of Mohalla - Chaturbhuj Thakur Marg, Gannipur, P.O. - Ramna, P.S. Kazi Mohammadpur, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union Of India through the Cabinet Secretary, Govt. of India, new Delhi
2. The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Secretary, Indian Nursing Council, Combined Council Building, Kotla Road, Temple Lane, New Delh
4. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna.
5. The Principal Secretary, Deptt. of Health, Govt. of Bihar, Patna.
6. The Registrar, Bihar Nursing Council, New Secretariat, Patna.
7. The District Magistrate-cum-Chairman, District Health Society, Muzaffarpur.
8. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur.
9. The Marriage Officer, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma
For the Respondent/s : Mr.Gp6- Prashant Pratap

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-12-2022 The claim of the petitioner is that she is a citizen of Nepal but got married in 2013 with Mr. Chandra Madhaw, S/o late Sachidanand Mishra, resident of Chaturbhuj Thakur Marg, Gannipur, Muzaffarpur, Bihar and since then she has been residing in India continuously.

The writ petition has been filed by the petitioner seeking citizenship by registration.



Learned counsel for the petitioner submits that petitioner filed a petition before the Home Ministry, Govt. of India (annexed at Annexure-9 to this writ application) for obtaining citizenship of India by registration but the same is still pending.

On the other hand, learned counsel for the Union of India submits that on the face of it the application filed by the petitioner for grant of citizenship by registration is not applicable inasmuch as admittedly according to the petitioner she got married in 2013 and she is seeking citizenship by registration in the year 2014. He further submits that as per the provision of Section 5(c) of the Citizenship Act, 1955 a person who is married to a citizen of India and is ordinarily resident of India for seven years before making an application for registration can be considered for grant of citizenship by registration.

At this stage, learned counsel for the petitioner submits that since 2013 petitioner has been residing in India and has completed the statutory requirement of being resident in India for seven years as prescribed in Section 5(c) of the Citizenship Act, 1955 accordingly the petitioner proposes to file a fresh application for grant of citizenship by registration before



the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi (i.e. respondent no. 2) within a period of one month.

Learned counsel for the Union of India has got no objection to this prayer of learned counsel for the petitioner.

In view of the prayer made by learned counsel for the petitioner, the petitioner is permitted to file a fresh application before the competent authority i.e. respondent no. 2- Secretary, Ministry of Home Affairs, Govt. of India, New Delhi for grant of citizenship by registration within a period of one month from today. If such application is filed, the concerned respondent shall consider the same in accordance with law and will pass appropriate order within a further period of six months from the date of receipt of the application.

With the aforesaid observation and direction, this writ petition is disposed of.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

