

D/L. 7.
July 26, 2023.
MNS.

WPA No. 2437 of 2023

Sukanta Bhowmik
Vs.
Union of India and others

Mr. Tarique Quasimuddin,
Mr. Zainab Tahur,
Ms. Sanchita Chaudhuri

... for the petitioner.

Mr. Rajendra Banerjee

...for the Union of India.

The petitioner allegedly married a Bangladeshi National, that is, the private respondent no. 6. Thereafter, admittedly, the petitioner's relationship with the respondent no. 6 deteriorated, although the marriage is still subsisting on paper.

The petitioner contends that the respondent no. 6 has been applying for Aadhaar Card and other proofs of her citizenship of India, whereas she has not yet resided in India for the mandatory period for getting such citizenship.

The present writ petition has been filed by the petitioner challenging the inaction of the authorities on such illegal acts being committed by the respondent no. 6.

Heard learned counsel for the parties.

Learned counsel for the Union of India is justified in submitting that the Union of India has no direct role to play in here. However, in the event it is discovered that the respondent no. 6 is applying illegally or unlawfully for documents pertaining to citizenship of India, it is for the concerned agencies issuing such documents and the investigating agencies concerned to take appropriate steps in that regard.

Although, otherwise, the writ petition has an undertone of *mala fides* on the part of the petitioner, since the petitioner has only approached the court and grown wiser after his relationship with the respondent no. 6 became strained, it cannot be denied that the petitioner has a right, as a citizen of India, to invoke the jurisdiction of Article 226 of the Constitution of India to point out some alleged illegal act being permitted by the respondent authorities.

Hence, the purpose of the writ petition would suffice if the respondent authorities are directed to look into the matter.

Accordingly, WPA No. 2437 of 2023 is disposed of by directing the respondent no. 5, that is, the Inspector-in-Charge, Bidhannagar

North Police Station, to look into the complaints lodged by the petitioner, over and above treating the present writ petition also as a complaint, to enquire and investigate into the issue as to whether the respondent no. 6 is a Bangladeshi National, unlawfully residing in India, and, being so, is trying to get documents regarding her purported citizenship of India, despite not being entitled to do so.

To enable the respondent no. 5 to make a comprehensive investigation, the petitioner shall make himself available, if so required by the respondent no. 5, for the purpose of such enquiry.

The petitioner shall also serve a copy of the writ petition, along with a server copy of this order, to the respondent no. 5 to ensure compliance of the direction passed by this Court by the respondent no. 5.

The parties shall act on the server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the

parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)