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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13720 of 2024

Uddipta Chatterjee & Anr.

Vs.

Union of India & Ors.

Mr. Asim Hati,
Ms. Sreetoma Neogi,
Ms. Riya Ballav,
Mr. Antariksha Karmakar
...for the petitioners

Mr. Kumar Jyoti Tiwari,
Ms. Anamika Pandey,
Mr. Ghanshyam Pandey
...for the Union of India

1. Learned counsel for the petitioners submits that the petitioner no. 2 is a Bangladeshi citizen. The petitioners are married couple. The petitioner no. 2 attempted to apply for Indian citizenship but was not permitted to make such application due to certain reasons.

2. Learned counsel submits that the petitioner no. 2, being otherwise entitled, ought to have been permitted to make such application and granted citizenship.

3. Learned counsel appearing for the respondent-authorities takes the Court through the amended provisions of the Citizenship Act, 1955, in particular, the definition of “illegal migrant” in

Section 2(b)(ii) including the proviso thereto and Section 6B of the said Act as well as Rule 10A of the Citizenship Rules, 2009. By relying on the said provisions, particularly on Rule 10A(i)(b), it is pointed out that whereas the petitioner no. 2 is required to apply under Form-III A, she actually applied under Form-III.

4. It is fairly submitted by learned counsel for the respondent-authorities that in the event the petitioner no. 2 applies under the appropriate format, that is, under Form IIIA, subject to compliance of all formalities by the petitioner no. 2, she will be granted such citizenship.

5. In view of the fair stand taken by the respondent-authorities, which is appreciated, there cannot be any further impediment for the petitioner no. 2 to have an Indian citizenship, subject to making appropriate application.

6. Accordingly, W.P.A. No. 13720 of 2024 is disposed of by granting liberty to the petitioner no. 2 to apply in Form IIIA of the Citizenship Rules, 2009.

7. Upon such application being made and compliance of due formalities in that regard, the respondent-authorities shall process the same as expeditiously as possible.

8. It is expected that upon such compliances being made, the petitioner no. 2 shall be granted

Indian Citizenship within an outer limit of eight weeks thereafter.

9. There will be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)