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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2026/2024**

MANISHA

..... Petitioner

Through: Mr. Giriraj Subramaniam, Mr.
Simarpal Singh Sawhney and Mr.
Akhilesh Talluri, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Mr. Debarchan De and
Mr. Sachin Dubey, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
14.02.2024

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1. The Petitioner has approached this Court with the following prayers:

“a) Issue an appropriate writ of mandamus or any other writ, order or direction to the Respondents declaring the Petitioner an Indian Citizen by virtue of Section 3(1)(b) of the Citizenship Act, 1955, thereby, entitled to hold Indian Passport.

b) Issue an appropriate writ of certiorari or any other writ, order or direction quashing the order dated 20.11.2023 passed by the Respondent No.2.

c) Issue an appropriate writ of mandamus or any other writ, order or direction to the respondents to issue necessary orders/directions for issuance of passport to the petitioner in view of the facts above.



d) Any other order this Hon'ble Court deem fit and proper in the interest of justice.”

2. Learned Counsel appearing for the Petitioner states that the father of the Petitioner was born in India on 08.01.1959, the mother of the Petitioner was born in India on 15.01.1966 and the Petitioner was born in India on 14.07.1995. He states that the Petitioner has already supplied the electoral cards of herself and her parents and also her PAN card and her parents' PAN cards to the Respondents.
3. The short contention of the learned Counsel for the Petitioner is that if the electoral card can only be issued to a citizen of India then it is a proof that the parents of the Petitioner are citizens of India which is sufficient to declare that the Petitioner is a citizen of India as per Section 3(1)(b) of the Citizenship Act, 1955 and therefore, the Impugned Order rejecting the application of the Petitioner and insistence on providing other documents is not tenable in law.
4. Learned CGSC appearing for the Respondents points out to Section 11 of the Passports Act, 1967 which provides for an appellate remedy.
5. In view of the fact that a number of documents have been submitted by the Petitioner, this Court is of the opinion that before entertaining this writ petition, it would be appropriate for the Petitioner to avail of the alternate remedy provided under Section 11 of the Passports Act, 1967.
6. The Petitioner is, therefore, directed to file an appeal on or before 16.02.2024 and the Appellate Authority is directed to dispose of the appeal of the Petitioner on or before 16.03.2024.
7. With these observations, the writ petition is disposed of, along with



pending application(s), if any.

8. Liberty is granted to the Petitioner to approach this Court again in case appeal is not decided within the prescribed time and in case the appeal is decided against the Petitioner.

SUBRAMONIUM PRASAD, J

FEBRUARY 14, 2024

S. Zakir