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

+ **W.P.(C) 6188/2024**

SARAH JACOB

.....Petitioner

Through: Mr. Febin Mathaw Varghese,
Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Drishti Rawal and Ms. Radhika
Bishwajit Dubey, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.10.2024

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1. The present writ petition seeks the following prayers:

“a) Issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction to the Respondents to accept Petitioner’s application for issuance of travel document under section 5 of the Passports Act, 1967 without insisting upon Foreigners Registration Number; and

b) Issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction to the Respondents to consider Petitioner’s application for issuance of travel document under section 5 of the Passports Act, 1967 in a time bound manner; and/or

c) Issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction and permit the Petitioner to travel to the United States of America on a travel document, for a period of three weeks to attend her daughter’s wedding on 25-5-2024; or

d) Issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction to Respondent No.2 to consider Petitioner’s application for grant of citizenship of

d) Issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction to Respondent No.2 to consider Petitioner’s application for grant of citizenship of India bearing no. 2023020207, under section 5(1) of the Citizenship Act, 1955 expeditiously;”



2. Counsel for the Petitioner acknowledges that the first four prayers, i.e., prayers A to D have been rendered infructuous and accordingly, he does not wish to press the same. His only surviving prayer is the fifth prayer (wrongly mentioned as D), which is to the following effect:

“d) Issue a writ of or in the nature of mandamus or any other appropriate writ, order or direction to Respondent No.2 to consider Petitioner's application for grant of citizenship of India bearing no. 2023020207, under section 5(1) of the Citizenship Act, 1955 expeditiously;”

3. On this aspect, Ms. Drishti Rawal, counsel for Union of India¹, submits that for the Petitioner to be granted citizenship, they are required to fulfil the necessary formalities which includes taking the oath of allegiance before the concerned Collector, which in this case is the Collector, Bhopal. After taking the said oath, the application for grant of citizenship has to be processed by the State Government and thereafter the same will be forwarded to the Union for further processing. She states that once the aforementioned formalities are completed, the Respondents would consider the Petitioner application.

4. Mr. Febin Mathaw Varghese, counsel for the Petitioner, on the other hand, states that the Collector, Bhopal is not extending cooperation to enable the Petitioner in fulfilling the requirement of taking the oath of allegiance.

5. In the opinion of the Court, in case the Petitioner is facing difficulties with the State authorities, she may take appropriate action against such inaction in accordance with law before the appropriate Court.

6. Therefore, in light of the statement made by the Respondent's counsel and the facts noted above, the present writ petition is disposed of with an observation that the Petitioner shall be free to take recourse to appropriate



remedies in case they are of the opinion that the State authorities are not fulfilling their statutory duties. It is made clear that once the formalities are completed and the application for grant of citizenship is processed and received by the concerned Ministry of Union of India, the same shall be processed in accordance with law.

7. With the above directions, the writ petition is disposed of along with pending application(s).

SANJEEV NARULA, J

OCTOBER 3, 2024

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