

15-09-2025
Item No.6
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.16417 of 2025
Bibi Fatema (Mallick) @ Fatema Bibi @ Fatama Begam
-vs-
Union of India & Ors.

Mr. Pratip Mukherjee
Mr. Samrat Chowdhury
Mr. Tanmay Khan
Mr. Purnankar Biswas ...for the petitioner

Mr. Dwijadas Chakraborty
...for the Union of India

Mr. Sirsanya Bandyopadhyay, SSC
Mr. Debopriyo Karan ...for the State

1. The petitioner claims to have been born in India. She visited Pakistan at the age of three years with her father and returned to India at the age of fifteen years. Since then she has been staying in India. She is currently sixty years of age.
2. She contends that an application was made by her for obtaining Indian citizenship vide application no.1979/FNRI/SVB/7V.63/2002 dated April 24, 2003. There has been no consideration thereof. She claims that her father has landed property in India.
3. After the bilateral relationship between the two countries soured, the petitioner has been taken in custody since May 2, 2025. Prayer has been made to grant her bail as an interim measure and to consider and dispose of her application for Indian citizenship which is pending for more than two

decades.

4. Learned counsel for the State submits that pursuant to the directions by the Central Government to find out whether any Pakistani national is staying in India without any valid documents, the petitioner was found to be overstayed in India without any valid documents and, accordingly, she has been prosecuted under the Foreigners Act, 1946 and is currently in custody. Prayer for bail made by the petitioner also stood rejected by the learned trial Court.
5. Learned counsel for the Union of India is not ready with proper instruction and seeks time to take necessary instruction.
6. As it appears that the petitioner does not have valid documents for her stay in India, accordingly, prayer for interim bail cannot be allowed.
7. Since the petitioner's application for citizenship is allegedly pending consideration for a long period of time, the Ministry of Home Affairs, Government of India is directed to take a decision on the petitioner's application for grant of citizenship in accordance with law, if the same is at all pending and communicate the fate of her application at the earliest but positively within a period of sixty days from the date of communication of this order.
8. The petitioner will be obliged to forward all supporting documents in her favour to the Ministry of Home Affairs for arriving at a decision in the matter.
9. It has been submitted that the petitioner is currently suffering from various ailments and is not in good health.

10. The Superintendent of the correctional home where the petitioner is currently lodged is directed to ensure that the petitioner gets all medical facilities as long as she is in the correctional home.
11. The writ petition stands disposed of.
12. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
13. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]