

20.06.2025
Sl. No.07
Ct No. 3
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

W. P. A. 1174 of 2025
CAN 1 of 2025

Saraswti Roy
Vs.
Union of India and Ors.

Mr. Mayank Bhandari,
Mr. Sushant Biswakarma.
... for the petitioner

Mr. Swarup Kumar Mondal,
Mr. Subhankar Dutta,
Mr. Satyaki Basu.
... for respondent no.5

Mr. Joyjit Choudhury, ld. A.A.G.
Mr. Nabankur Paul,
Mr. Sandip Guha Roy.
... for the State

Mr. Sudipto Kumar Mazumdar, ld. D.S.G.I.
Mr. Saptak Sarkar
... for respondent nos.1 & 2

1. Supplementary affidavit filed in Court today is taken on record.
2. The Petitioner has preferred the present writ petition, seeking a direction upon the respondent authorities to expeditiously dispose of her application under Section 5 of the Citizenship Act, 1955 and also to consider her Visa extension application dated 08.05.2025.
3. The petitioner is a Bangladeshi Hindu woman who was married to respondent no. 5, an Indian citizen on 21.09.2015 in consonance with the hindu rites and customs. Since the marriage, she has been

residing in India on X-1 Visa, which has been periodically extended.

4. Learned Counsel for the petitioner has filed a supplementary affidavit, placing on record the details of the Visa extensions which have been periodically extended to her. Petitioner states that she had filed an application under Section 5(1)(c) of the Citizenship Act, 1955 on 17.07.2023, followed by a reminder letter dated 01.03.2025. However, the petitioner's application is still pending consideration before the concerned authorities. The petitioner alleges that subjected to cruelty and continuous dowry demands by her husband and her family, initially, she sought financial support from her parents, but due to persistent demands and ill-treatment, her family eventually severed all ties with her. Given her X-1 Visa status, she is not permitted to take up any employment in India, making her survival extremely difficult. Due to the severe cruelty inflicted upon her, the petitioner lodged a complaint with the Siliguri Police Station, pursuant to which FIR No. 30/2025 was registered. She has also initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, which is pending as a Misc. Case No. 91/2025 before the Judicial Magistrate, 2nd Court, Siliguri. Petitioner's current Visa is said to expire on 03.07.2025. Due to the estrange relationship with her husband, he is unwilling to

provide the necessary sponsorship affidavit required for her Visa renewal. Her parents have also disowned her and she has no other familial support or place to reside. Since her marriage, she has been continuously residing in India and has duly applied for the Indian citizenship. In these circumstances, it is observed that the petitioner's application was filed on 17.07.2023 and till date the respondent authorities have failed to consider her application. Even her Visa extension request dated 08.05.2025 has also gone unanswered. Consequently, she is facing grave hardship as her application remains undecided.

3. In view of such factual backdrop, this Court directs respondent no. 1 to decide petitioner's application under Section 5(1)(c) of the Citizenship Act, 1955, along with follow up letter dated 01.03.2025 which has been pending for more than 2 years within a period of 10 days from the date of this order. Respondent no. 2 is also directed to take a reasoned decision on her application for Visa extension dated 08.05.2025 within the same time period of 10 days from today. Both the decisions shall be communicated to the petitioner within two days thereafter.

6. With the above directions, the present writ petition and the connected application are disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)