

THE HIGH COURT OF MADHYA PRADESH

W.P. No. 9557/2019

Bhalchandra (Bhalu) S/o. Dattatray Mondhe. V/s. Union of India & others.

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Indore, dated : 11.11.2020

Petitioner by Shri A.K. Chitale, Sr. Advocate with Shri B.A. Chitale, Advocate.

Respondent No.1 by Shri Aniket Naik, Advocate.

Respondent/State by Shri Shaswat Seth, Panel Advocate.

Respondent No.4 by Shri Kushal Goyal, Advocate.

Heard on I.A. No.3152/2020.

The petitioner has filed the present petition seeking direction to the respondents to grant him Indian citizenship under the Indian Citizenship Act, 1955.

According to the petitioner, he was born in Indore, India on 15.3.1941 and completed his school and college education. Thereafter, he migrated to U.K. in the month of April, 1964 and got British passport. He lived there up to 1975 and thereafter came back to India and since then, he is living in India. He got married with an Indian lady and has two children and all are having Indian passports. The petitioner has also been awarded “Padmashri” by the Central Government. The petitioner applied for grant of Indian citizenship on 15.5.2009. Since his British passport was going to expire on 10.5.2019, therefore, he filed the present petition seeking direction to the respondents to grant him the Indian citizenship as early as possible .

Vide order dated 26.7.2019, Shri Aniket Naik was directed to seek instruction from the competent authority. As per the instructions given by the competent authority, the petitioner was required to produce the **renunciation certificate** in respect of renouncing the British citizenship because he cannot have dual

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citizenship. During pendency of this petition, the petitioner has renounced the British citizenship and the U.K. Government has accepted his renouncement. The petitioner has submitted the aforesaid renouncement certificate dated 5.11.2019 before Collector & Distt Magistrate, Indore.

Along with the application under consideration, the petitioner has filed copy of letter dated 4.7.2020 written by Home Department State of M.P. to Collector, Indore for sending the relevent information about the petitioner . Vide letter dated 21.9.2020, Home Department of the State has forwarded the matter to the secretary, Ministry of Home, Govt. of India for taking necessary action in the matter.

Shri Naik, learned counsel for respondent No.1, submits that now there is no impediment in consideration of the petitioner's application in accordance with law. Collector, Indore is required to forward all the necessary documents online to the State of M.P. and in turn, the State of M.P. shall further forward the same to the Government of India and pending application can be decided as early as possible. Shri Naik further submits that he has received the copy of letter dated 9.11.2020 written by Under Secretary, Ministry of Home Affairs, Govt. of India to the Principal Secretary, Home Department, Govt. of M.P. intimating that the original renunciation certificate is required for deciding the pending application of the petitioner.

Shri Chitale, learned senior counsel appearing for the petitioner, submits that the petitioner is aged about 80 years. His British passport is expired now hence a time-bound direction be

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given to the respondents to pass an appropriate order in the pending application of the petitioner.

In the light of letter dated 9.11.2020, all the relevant documents are required to be uploaded in online module and thereafter, citizenship case-file is to be sent to the Ministry in online module only. By aforesaid letter, Under Secretary, Home Ministry, Govt. of India has requested for uploading of the original renunciation certificate (in colour scan) along with other documents in relation to the petitioner and sending the case file in online module at the earliest. The contents of the letter are reproduced below :

“MDC National Stadium, India Gate,
New Delhi-110002, Dated 09/11/2020

To

The Principal Secretary,
Home Department, Govt. of Madhya Pradesh,
Bhopal.

Sub. WP No.9557/2019 in the High Court of Madhya Pradesh
Judicature at Jabalpur – Bench at Indore : Bhalchandra (Bhalu)
Dattatray Mondhe vs. Union of India and others.

Sir,

I am directed to refer to the State Government's letter No. F4-01/2018/A-1/2 dated 21.09.2020 regarding submission of Renunciation Certificate in r/o Shri Bhalchandra in connection with Citizenship Case File No. 2017020355 under Section 5(1)(c) of the Citizenship Act, 1955.

2. In this regard, it is intimated that Original Renunciation Certificate is not enclosed with your above cited letter dated 21.09.2020, however, only photocopy of Renunciation Certificate No. 025758732 dated 05.11.2019 in r/o Shri Bhalchandra is enclosed. **As per extant procedure, all relevant documents are required to be uploaded in online module and thereafter citizenship case file is sent to this Ministry in online module only.** As per record available in online citizenship module, citizenship case file No. 2017020355 is still pending with District Collector/ SDM, Indore.

3. In view of the above, it is again requested to upload the Original Renunciation Certificate (in color scan) along with other documents in r/o the petitioner Mr. Bhaluchandra Mondhe and send the case file in online module to process the case file vide No. 2017020355 at the earliest.

Encl. As above.

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Yours faithfully.
(Ashutosh Anand)”

Therefore, in view of the above there is no impediment in considering the pending application of the petitioner without any further delay. The Collector & District Magistrate is directed to forward the colour scanned copy of renunciation certificate along with all other documents of the case in question to the Principal Secretary, Home Department, Govt. of M.P. and in turn, the Principal Secretary, Home Department, Govt. of M.P. shall forward the same to the Government of India in Home Ministry, who is directed to directed to pass an appropriate order in accordance with law. The entire exercise be completed within a period of 45 days from today and final out come be communicate to this Court on or before **5th January 2021**. Looking to the age of the petitioner a prompt action is expected from all the competent authorities.

List this petition on **6th January, 2021**.

C.C. as per rules.

(VIVEK RUSIA)
JUDGE

Alok/-