IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 31692 OF 2025

22.04.2026

Between:

Munna Mohammed Ghouse & another

..... Petitioners

And

Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
Government of India & another

..... Respondents

O R D E R:

Heard Sri Zeeshan Adnan Mahmood, learned counsel for petitioners and Sri B. Narsimha Sharma, learned Additional Solicitor General on behalf of Respondent No.1 and learned Government Pleader for Revenue on behalf of Respondent No. 2.

2. The case of petitioners is that petitioner No.1, who is the mother of petitioner No.2, was born on 26.01.1963 at Hyderabad, Erstwhile Andhra Pradesh presently Telangana, India and is an Indian citizen by birth and holds an Indian Passport. On 17.06.1992, petitioner No.1 married Saeed Omer Ba Maher, who holds citizenship of Yemen. Petitioner No.2 was

born on 25.11.1995 at Riyadh, Saudi Arabia out of this lawful wedlock and he holds citizenship of Yemen.

2.1. It is the further case of petitioners that petitioner No.2 registered himself as an Overseas Citizen of India (OCI) cardholder on 16.08.2017 under Section 7A of the Citizenship Act, 1955 (for short, 'the Act'); he has been residing in India continuously since 08.12.2021; his brother, Ahmed Sayeed Bameher, born of the same parents, was granted Indian citizenship and holds an Indian Passport. Petitioner No.2 married Muskaan Begum, an Indian citizen, on 08.05.2023. While so, on 08.12.2022, petitioner No.2 applied *on line* for registration of Indian citizenship under Section 5(1)(f) of the Act, in Form VI as per Rule 8(1)(a) of the Citizenship Rules, 2009. The application was allotted MHA File No. 2022050067. On 13.12.2022, petitioner No.2 submitted the printed Application form along with all necessary documents to the District Collector, Hyderabad (Respondent No.2). He furnished his valid Yemeni passport, OCI card, his mother's Indian Passport, oath of allegiance, and other required documents.

2.2. Petitioners further state that Respondent No.2 forwarded a positive report to Respondent No.1, finding Petitioner No.2 eligible in all respects with no adverse remarks. However, the Application remained pending without any

response for nearly three years. On 18.09.2025, petitioner No.2 sent *e* mail to Respondent No.1 enquiring about the status of his Application. In response, Respondent No.1 issued the impugned proceeding dated 06.10.2025, which was communicated *via e* mail on 07.10.2025. The impugned proceeding stated that neither the applicant nor either of his parents were earlier citizens of independent India on the date of application and therefore the Petitioner No.2 is not eligible for citizenship under Section 5(1)(f) of the Act. Respondent No.1 requested the State Government to revisit the recommendation. Aggrieved by this proceeding, petitioners approached this Court.

3. Respondent No. 1 filed a detailed counter opposing the Writ Petition. It is stated, in all matters pertaining to foreigners, the Central Government is vested with absolute and unfettered discretion and has exclusive legislative competence to enact citizenship laws. It is the further case of Respondent No. 1 that for the purpose of an Application under Section 5 of the Act, the applicant must not be an illegal migrant as defined under Section 2(1)(b). Under Section 5(1)(t), only a person of full age and capacity, who himself or either of whose parents was an earlier citizen of Independent India, and who has been ordinarily resident in India for a period of at least twelve months immediately before making the application, is eligible to apply

for registration as an Indian citizen. In terms of Rule 8 of the Citizenship Rules, 2009, such an Application must be made in Form VI, accompanied by an undertaking to renounce foreign citizenship upon grant of Indian citizenship, and the applicant is also required to take an oath of allegiance as prescribed under the Second Schedule to the Citizenship Act. It is also stated, with effect from 15th October 2019, this Ministry decided that no physical or paper mode application, forwarding letter or supporting document shall be accepted by the Ministry, irrespective of the date of submission and that all Applications must be submitted and processed only through the online citizenship module maintained at the MHA website.

3.1. It is the further case of Respondent No. 1 that on 08.12.2022, petitioner No. 2 submitted an Application for grant of Indian citizenship under Section 5(1)(t) of the Act, bearing MHA File No. 2022050067. Upon preliminary scrutiny, it was found that petitioner No. 2 himself was born in Yemen and holds Yemeni citizenship since birth; his father was also born in Yemen and is a Yemeni national; his mother was born in India and continues to be an Indian citizen. Since the mother has always been an Indian citizen, she was never a former citizen of Independent India within the meaning of Section 5(1)(f). It is therefore, evident that neither petitioner No. 2 himself nor either

of his parents, was an earlier citizen of Independent India and accordingly, petitioner No. 2 does not satisfy the eligibility conditions prescribed under Section 5(1)(f). In view of this factual position, this Ministry issued a Deficiency Letter dated 06.10.2025 to the Secretary, Home Department, Government of Telangana, requesting the State Government to revisit its recommendation and furnish necessary inputs and comments.

3.2. It is the further case of Respondent No. 1 that when the *on line* citizenship portal was checked with the name of petitioner No. 2, no Application under Section 5(1)(g) of the Act was found and petitioners have also not furnished the unique ten digit file number that is generated upon submission of a citizenship application. It is the further case of Respondent No. 1 that as on the date of filing of this Writ Petition, no final decision has been taken by this Ministry on the citizenship application of petitioner No. 2, therefore, the Writ Petition is premature and not maintainable, at this stage. It is further contended that citizenship is not a matter of right and the grant of Indian citizenship to a foreigner is entirely within the discretion of the Central Government. The fundamental rights available to a foreigner in India are confined to the right to life and liberty under Article 21 of the Constitution, and the right to reside and settle in India under Article 19(1)(e) is available only

to citizens of India and cannot be claimed by a foreigner. In view of the above, the 1st respondent states that Writ Petition is devoid of merits and is liable to be dismissed.

4. Learned counsel for Petitioners has advanced the following submissions.

(i) The impugned proceeding dated 06.10.2025 is illegal, arbitrary and constitutes a complete misinterpretation of Section 5(1)(f) of the Act in as much as Respondent No. 1 has incorrectly interpreted the phrase *'was earlier citizen of independent India'* to mean only former citizens of India, thereby excluding current citizens. This interpretation is erroneous for several reasons. Firstly, the word 'was' has wide connotation and refers to any person who held citizenship at any point since 15th August 1947, regardless of whether they continue to hold citizenship. Petitioner No.1 was born on 26.01.1963 in Hyderabad after India became independent on 15.08.1947. She is a citizen of India by birth under the Constitution and continues to be a citizen. She was a citizen of independent India at the time Petitioner No.2 made the Application on 08.12.2022. The statutory requirement is therefore, satisfied.

(ii) If the interpretation of Respondent No.1 is accepted, it would lead to an absurd result. A child of a former citizen, who renounced Indian citizenship, would have greater

rights than the child of a current citizen. This cannot be the intent of the law.

(iii) Accepting such interpretation would mean that a child of an Indian citizen, who was not registered at birth and holds another nationality, would have no right to apply for citizenship. This would be wholly unjust and a grave injustice apart from being a misinterpretation of the provision/Act.

(iv) Such interpretation would compel an Indian citizen to renounce his or her citizenship for their child to become eligible to apply for Indian citizenship. No law can have such unreasonable purpose.

(v) The plain language of Section 5(1)(f) is clear and unambiguous and does not admit the restrictive meaning sought to be placed upon it by Respondent No.1. It is submitted that the interpretation adopted by Respondent No.1 has the effect of reading a limitation into the provision which the Legislature in its wisdom has not thought fit to impose. Petitioner No.2 fulfils each and every condition prescribed under Section 5(1)(1) and is being denied the benefit of the said provision on account of an interpretation which is wholly unsustainable in law.

4.1. It is further contended that petitioner No.2 satisfies all requirements under Section 5(1)(1). He is of full age and

capacity; his mother is a citizen of India; he was ordinarily resident in India for twelve months immediately before making the application; he is not an illegal migrant; he has taken the oath of allegiance; he has given an undertaking to renounce Yemeni citizenship if his Application is granted. Respondent No. 2 has given a positive report finding him eligible.

4.2. It is further contended that petitioner No.2 is also eligible under Section 5(1)(g) of the Act. He has been an OCI cardholder since 16.08.2017, thereby completing more than five years as required under Section 5(1)(g). He was ordinarily resident in India for twelve months before the Application. Respondent No.1 ought to have considered his eligibility under this provision as well before issuing the impugned proceeding.

4.3. The impugned proceeding violates Articles 14, 19 and 21 of the Constitution and it is arbitrary and discriminatory. The rejection infringes petitioner No.2's right to live with dignity and the right to establish family life with his mother, wife and brother in India. It is further contended that the impugned proceeding also violates principles of natural justice. Respondent No.1 rejected the Application in a preliminary scrutiny without giving petitioner No.2 an opportunity to submit clarification or explanation regarding his

eligibility under Section 5(1)(f) or alternatively under Section 5(1)(g).

4.4. It is further contended that on equitable and humanitarian grounds, petitioner No.2 is entitled to citizenship, since his mother, wife and brother are all citizens of India. His brother, born of the same parents, has been granted Indian citizenship and holds an Indian Passport. Denying citizenship to Petitioner No.2 would result in manifest injustice and compel involuntary separation of an immediate family unit.

5. Learned Assistant Solicitor General made the following submissions.

(i) In cases pertaining to foreigners, the Central Government is vested with absolute and unfettered discretion. The Citizenship Act, 1955 has been enacted by a competent legislature under Article 246(1) read with Article 11 of the Constitution.

(ii) Section 5(1)(f) provides for citizenship by registration to a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and is ordinarily resident in India for twelve months immediately before making the application.

(iii) The applicant needs to submit evidence that the applicant or either of his parents was a citizen of independent

India. In the case of petitioner No.2, his father was born in Yemen and is a Yemeni national and therefore, is not a former citizen of independent India. The applicant himself holds the citizenship of Yemen since birth and therefore, is not a former citizen of independent India. The mother of Petitioner No.2 was born in India and was an Indian citizen on the date of making the citizenship application and still continues to be so. Therefore, she was never a former citizen of independent India. In the case of petitioner No.2, neither his father nor his mother nor he was earlier citizen of independent India. Therefore, the Ministry issued a deficiency letter dated 06.10.2025 addressing the State Government of Telangana requesting them to revisit the matter and provide necessary inputs and comments.

(iv) Though petitioner No.2 may be eligible under Section 5(1)(g), no citizenship Application has been found under Section 5(1)(g) in the name of petitioner No.2 in the *on line* citizenship portal of the Ministry. Petitioner has not substantiated his claim with the unique 10-digit number generated after making an application under Section 5(1)(g).

(v) Citizenship is not a matter of right. Grant of Indian citizenship is not a matter of right available to a foreigner. The fundamental right of a foreigner is confined to Article 21 for life and liberty and does not include the right to reside and settle in

this country as mentioned in Article 19(1)(e), which is applicable only to citizens.

(vi) The Ministry has not yet taken any final decision on the citizenship application of Petitioner No.2. Therefore, the Writ Petition is premature at this stage.

6. In reply, learned counsel for petitioners strenuously submitted as follows:

(i) The contention that Writ Petition is premature is wholly without merit. The impugned proceeding dated 06.10.2025 is not a mere query or a request for clarification. A plain reading of the said proceeding shows that Respondent No.1 has already arrived at a definitive conclusion that petitioner No.2 is not eligible for citizenship under Section 5(1)(1). Having recorded such a finding, Respondent No. 1 has directed Respondent No.2 to revisit its positive recommendation. The effect of the impugned proceeding is to overrule the favourable report of the District Collector and to prejudge the application on a flawed interpretation of law. Therefore, Petitioner No.2 is well within his right to challenge the said proceeding before this Court under Article 226 of the Constitution of India.

(ii) The interpretation placed by Respondent No.1 upon Section 5(1)(f) of the Act is erroneous. Respondent No.1

has construed the phrase *'was earlier citizen of independent India'* to mean only a *'former citizen'* who has since lost Indian citizenship. Such an interpretation is contrary to the plain language of the provision. The word 'was' in the context of Section 5(1)(f) denotes a person who held citizenship of independent India at any point in time. It includes a person who continues to hold such citizenship. If the interpretation of Respondent No.1 is accepted, a child born to a current Indian citizen outside India would have no right to apply for citizenship, whereas a child born to a person who has renounced Indian citizenship would be eligible. Such a construction leads to an absurd result and defeats the very object of the provision.

(iii) The contention that citizenship is not a matter of right does not aid Respondent No.1 in the present case. While it is true that grant of citizenship involves the exercise of sovereign power, such power is not to be exercised in an arbitrary manner. When an applicant satisfies all the conditions prescribed under the Act and the Rules framed thereunder, the Application must be processed and decided on its merits. Petitioner No.2 has fulfilled every eligibility condition under Section 5(1)(f) of the Act. The District Collector has forwarded a positive report. The Application has been pending for nearly

three years. Respondent No.1 cannot defeat Petitioner No.2's claim by erroneously interpreting the statute.

(iv) Even assuming for the sake of argument that petitioner No.2 does not fall within Section 5(1)(f), Respondent No.1 ought to have considered the Application under Section 5(1)(g) of the Act. Petitioner No.2 has been registered as an Overseas Citizen of India Cardholder since 16.08.2017 and has completed more than five years as an OCI Cardholder, thereby meeting the threshold prescribed under Section 5(1)(g). The documents pertaining to the OCI card were submitted along with the Application. The failure of Respondent No.1 to consider the eligibility of Petitioner No.2 under Section 5(1)(g) demonstrates complete non-application of mind.

(v) Grant of citizenship to the brother and refusal to process the Application of Petitioner No.2 is discriminatory and violative of Article 14 of the Constitution of India.

7. In view of the above contentions, the following points arise for consideration:

(i) Whether the interpretation in the impugned proceeding dated 06.10.2025 issued by Respondent No.1 that Section 5(1)(f) of the Act applies only to former citizens of India and not to persons who are presently citizens of India is sustainable in law?

(ii) Whether the contention of Respondent No. 1 that the present Writ Petition is premature and not maintainable is tenable?

(iii) Whether the impugned proceeding dated 06.10.2025 is liable to be set aside and whether Respondent No. 1 should be directed to consider grant of citizenship to Petitioner No.2?

(iv) To what relief?

8. **Point No.(i):**

The core issue in this case relates to interpretation of Section 5(1)(f) of the Act. The said provision reads as follows:

> *"**5. Citizenship by registration.***-(1) Subject to the provisions of this section and such other conditions and restrictions as may be prescribed, the Central Government may, on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitution or of any other provision of this Act, if he belongs to any of the following categories, namely:
>
> (f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and is ordinarily resident in India for twelve months immediately before making an application for registration."

9. The controversy centers on the interpretation of phrase 'was earlier citizen of independent India'. Respondent No.1 has taken the position that this phrase applies only to former citizens, ie. persons who held Indian citizenship at some point but have since ceased to be citizens. According to this

interpretation, the provision would not apply to current citizens of India. This interpretation is unsustainable and contrary to the plain language of the statute. The word 'was' in the phrase 'was earlier citizen of independent India' does not mean former citizen to the exclusion of current citizens. The word 'earlier' qualifies the point in time when citizenship was held. It means at a point in time since India became independent on 15th August 1947. The phrase refers to any person who held citizenship of independent India at any time since 15.08.1947, regardless of whether they continue to hold that citizenship or have since renounced it. A person who is currently a citizen of India necessarily was a citizen of independent India at the time citizenship was acquired. If that person was born after 15.08.1947, such person was a citizen of independent India from birth. The phrase encompasses both current citizens and former citizens.

10. It is an admitted and undisputed fact that petitioner No.1 was born on 26.01.1963 in Hyderabad, after India attained independence on 15.08.1947. It is also not in dispute that petitioner No.1 acquired citizenship of India by birth and has continuously held Indian citizenship from the date of her birth. She holds a valid Indian Passport; her status as a citizen of India on the date of the Application made by Petitioner No.2 on

08.12.2022 is not contested by Respondent No. 1. In view of these admitted facts, the statutory requirement under Section 5(1)(f) that either of the parents of the applicant was earlier citizen of independent India stands fully satisfied.

11. This Court is of the considered view that the interpretation adopted by Respondent No.1 would lead to absurd and irrational consequences. If only former citizens are covered, then a child of a person, who renounced Indian citizenship would be eligible, but a child of a current Indian citizen would not be eligible. This would mean that a child of a former citizen would have greater rights than a child of a current citizen. Such result cannot be the legislative intent. Further, if the interpretation of Respondent No.1 is accepted, a child of an Indian citizen who was not registered at birth and holds another nationality would have no right to apply for citizenship under Section 5(1)(f). Such child would have no remedy. This would be manifestly unjust. Moreover, accepting the interpretation of Respondent No.1 would compel an Indian citizen to renounce citizenship so that their child becomes eligible to apply for citizenship. No law can be interpreted to produce such unreasonable result.

12. A provision such as Section 5(1)(f) of the Act, which enables persons having a familial connection with India to

acquire citizenship, must receive a construction that furthers its object. The provision was enacted to address the situation of children of Indian citizens or former citizens who, by reason of birth outside India or non-registration at birth, hold the nationality of another country. The interpretation placed by Respondent No.1 renders the provision nugatory insofar as children of current Indian citizens are concerned. Such a narrow construction, which excludes the very class of persons the provision seeks to benefit, cannot be sustained. The phrase 'was earlier citizen of independent India' on its true and correct interpretation encompasses every person who held citizenship of India at any point since 15.08.1947, whether or not such person continues to hold that citizenship.

13. For the reasons stated hereinabove, this point is answered in the negative. This Court is of the considered view that the phrase 'was earlier citizen of independent India' occurring in Section 5(1)(f) is not confined in its application to persons who were formerly citizens of India and have since ceased to be so. The expression, on a plain and purposive reading, takes within its fold every person who has been a citizen of independent India at any point in time, irrespective of whether such person continues to hold Indian citizenship or not. To hold otherwise would be to read into the provision a

restriction which the Legislature has not imposed and would produce a result so manifestly absurd that no reasonable interpretation of the statute can sustain it. The citizenship of petitioner No.1, who was born in India after independence and who continues to be an Indian citizen, is an admitted fact. In these circumstances, the interpretation placed upon Section 5(1)(f) of the Act in the impugned proceeding dated 06.10.2025 is plainly erroneous, unsustainable in law and cannot be countenanced.

14. **Point No.(ii):**

Respondent No.1 has contended that no final decision has been taken on the citizenship application of Petitioner No.2, therefore, the Writ Petition is premature. This contention is devoid of merit. The impugned proceeding dated 06.10.2025 clearly states that neither the applicant nor either of his parents were earlier citizens of independent India and therefore, Petitioner No.2 is not eligible for citizenship under Section 5(1)(f) of the Act. The proceeding directs the State Government to revisit the recommendation. This is a clear finding on eligibility. Respondent No. 1 has concluded that petitioner No.2 is not eligible under Section 5(1)(f). The direction to the State Government to revisit the recommendation follows

from this conclusion. The proceeding creates adverse civil consequences for Petitioner No.2. It affects his rights.

15. Further, Petitioner No.2 applied for citizenship on 08.12.2022. The Application remained pending for nearly three years without any response. When he enquired about the status, he received the impugned proceeding rejecting his eligibility. The impugned proceeding is not merely an internal noting or communication. It was sent to Petitioner No.2 *via e* mail in response to his status enquiry. It conveys a decision on eligibility. It is a reviewable decision and Petitioner No.2 has a legitimate right to seek judicial intervention.

16. It is well settled that where an authority, under the guise of a deficiency letter or a preliminary observation, records a definitive finding on the eligibility of an applicant and directs the subordinate authority to revisit its recommendation, such proceeding ceases to be tentative in character and becomes amenable to judicial review. The Hon'ble Supreme Court in ***Siemens Ltd., v. State of Maharashtra***[1] held that when a notice is issued with pre-meditation, a writ petition would be maintainable, for the reason that even if the Court were to direct the Authority to hear the matter afresh, such hearing would not yield any fruitful purpose. The Hon'ble Supreme Court further

[1] (2007) 2 SCC 481

held that where the statutory authority has already applied its mind and has formed an opinion as regards the liability or otherwise of the person concerned, the same does not remain in the realm of a show cause notice and Writ Petition would be maintainable. This principle has been consistently followed by this Court.

17. In ***K. Praveen Kumar v. The Assistant Commissioner of Income Tax***, a Division Bench of this Court of which I (NBK,J) was a member, while relying on the judgment of the Hon'ble Supreme Court in ***Siemens Ltd.*** (supra) and ***SBQ Steels Ltd. v. Commissioner of Customs, Guntur***[2], held that where the authority, instead of informing the person the charges against him, confronts him with definite conclusions of his alleged guilt, the entire proceeding gets vitiated by unfairness and bias and the subsequent proceedings become an idle ceremony.

18. In the present case, a careful reading of the impugned proceeding dated 06.10.2025 makes it evident that Respondent No.1 has not merely sought clarification or called for additional documents. Respondent No.1 has categorically recorded a finding that Petitioner No.2 is not eligible for citizenship under Section 5(1)(f) of the Act on the ground that

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[2] (2014) 300 ELT 185 (AP)

neither the applicant nor either of his parents were earlier citizens of independent India. On the basis of this finding, Respondent No. 1 has directed Respondent No.2 to revisit the positive recommendation already given in favour of the Petitioner No.2. The said proceeding therefore does not remain in the realm of a preliminary enquiry. It bears the character of a predetermined decision on the merits of the application. In these circumstances, the contention of Respondent No.1 that Writ Petition is premature is without substance and is hereby rejected.

19. **Point No. (iii):**

In view of the categorical finding rendered while answering Point No.(i), wherein this Court held that the interpretation placed by Respondent No.1 upon Section 5(1)(f), restricting its application only to former citizens of India and excluding persons who are presently citizens, is erroneous and unsustainable in law and having set aside, the basis upon which the impugned proceeding was issued, it becomes necessary to examine whether Petitioner No.2 has fulfilled the eligibility criteria prescribed under the Act and the Rules framed thereunder for the issuance of a Writ of Mandamus.

20. Section 5(1)(f) requires that the applicant must be of full age and capacity, that either of his parents was earlier

citizen of independent India, that he must be ordinarily resident in India for twelve months immediately before making the application, and that he must not be an illegal migrant. Rule 8 of the Citizenship Rules, 2009 additionally requires the applicant to give an undertaking to renounce the citizenship of his country and to make the oath of allegiance as specified in the Second Schedule to the Act.

21. The record reveals that Petitioner No.2 was born on 25.11.1995 and was 27-year-old on the date of the application, thereby satisfying the requirement of full age and capacity. His mother, Petitioner No.1, was born on 26.01.1963 in Hyderabad and is admittedly a citizen of India by birth, holding a valid Indian Passport. As held while answering Point No.(i), she was earlier citizen of independent India and continues to be so. Petitioner No.2 has been residing in India continuously since 08.12.2021 as evidenced by the entry and exit stamps in his passport and applied for citizenship on 08.12.2022, thereby completing twelve months of ordinary residence in India before the date of application. He is not an illegal migrant and has been lawfully residing in India on the basis of his OCI card granted on 16.08.2017. He has given an undertaking to renounce his Yemeni citizenship and has made the oath of allegiance as required under Rule 8. All necessary documents

including a copy of his valid foreign passport, OCI card, and evidence of his mother's Indian citizenship have been submitted along with the application in Form VI.

22. It is significant that Respondent No.2, after examining the Application, forwarded a positive report to Respondent No.1, finding Petitioner No.2 eligible in all respects with no adverse remarks. The local authority, which is the first point of verification in the statutory scheme, has recommended the case of Petitioner No.2 favourably. The sole reason for the impugned proceeding was the erroneous interpretation of Section 5(1)(f), which has been rejected by this Court.

23. Apart from Section 5(1)(f), the record also discloses that Petitioner No.2 satisfies the requirements under Section 5(1)(g) of the Act. He was registered as an OCI cardholder on 16.08.2017 and as on the date of his application on 08.12.2022, he had held OCI status for more than five years, meeting the threshold prescribed under Section 5(1)(g). The contention of Respondent No.1 that no application under Section 5(1)(g) has been found in the *on line* portal does not advance the case of Respondent No.1. Form VI is the common application form prescribed for registration under Section 5 of the Act. The application bearing MHA File No. 2022050067 was, admittedly, received by Respondent No.1 along with all supporting

documents, including the OCI card. When the authorities were in possession of all material necessary to examine the eligibility of the applicant under all applicable provisions, the application ought to have been considered under every provision to which the applicant was entitled. The authorities cannot decline to consider eligibility under one provision merely because the applicant cited a different provision in the application form.

24. In these circumstances, this Court is satisfied that Petitioner No.2 has fulfilled all the eligibility conditions prescribed under Section 5(1)(f) as well as Section 5(1)(g) of the Citizenship Act, 1955 and Rule 8 of the Citizenship Rules, 2009 and therefore, entitled to issuance of a Mandamus. However, this Court is conscious of the fact that power to grant citizenship vests with the Central Government and this Court ought not to substitute its decision for that of the competent authority. Accordingly, while setting aside the impugned proceeding, this Court deems it appropriate to direct Respondent No.1 to reconsider the application of Petitioner No.2 bearing MHA File No. 2022050067 afresh, in accordance with law and in the light of the interpretation of Section 5(1)(f) as discussed in this judgment, and to pass appropriate orders on the said application.

25. **Point No. (iv):**

In the result, the Writ Petition is allowed. The impugned proceeding dated 06.10.2025 issued by Respondent No.1 bearing reference to MHA File No. 2022050067 is hereby set aside. Respondent No.1 is directed to reconsider the Application of Petitioner No.2 bearing MHA File No. 2022050067 afresh, in accordance with law and in the light of the interpretation of Section 5(1)(f) of the Citizenship Act, 1955 as discussed in this judgment, and to pass appropriate orders on the said Application within four weeks from the date of receipt of a copy of this order. It is made clear that while reconsidering the Application, Respondent No.1 shall take into account the eligibility of Petitioner No.2 under all applicable provisions of Section 5 of the Citizenship Act, 1955, including Section 5(1)(g), in view of the findings recorded herein. No costs.

26. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

22nd April 2026

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