

DL-6

15.07.2026
Court No.37
[Bench ID-**266046**]
(AD)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA (H) 58 of 2026

Suman Molla
Vs.
The State of West Bengal & Ors.

Md. Mokaram Hossain, Advocate
Mr. Razzak Hossain, Advocate
Mr. Karnab Biswas, Advocate
... for the petitioner

Mr. Dibasish Basu, Ld. AGP
Ms. Sneha Dutta, Advocate
Mr. Purnendu Das, Advocate
... for the State

Mr. Sauvik Nandy, Ld. Sr. Advocate
Mr. Arijit Majumdar, Advocate
Ms. Shreyashi Sarkar, Advocate
... for the Union of India

1. Writ petition is at the behest of a relative of a person who is detained as a foreign national.
2. Learned Advocate appearing for the petitioner submits that, the detained person is an Indian national. He contends that, it is for the authority to establish that the detained person is a foreign national.
3. State and the Union of India are represented.
4. Learned Advocate appearing for the State submits that, the detainee confessed as to his foreign nationality.
5. Detainee is presently at a detention home.
6. In course of hearing of the writ petition, we repeatedly asked the learned Advocate appearing

for the petitioner to draw our attention to any document establishing the Indian citizenship of the detainee conclusively.

7. In response to such query of the Court, learned Advocate appearing for the petitioner submits that, no document annexed to the writ petition conclusively established the Indian citizenship of the detainee excepting the land records.
8. Land records which the petitioner refers to again is not a document of proof of Indian citizenship.
9. A foreign national can buy a property in India. Merely because a foreign national buys an immovable property in India *ipso facto* does not make such purchaser an Indian citizenship.
10. In order to afford the petitioner one more opportunity to establish the Indian citizenship of the detainee, list the writ petition on July 20, 2026.
11. Writ petitioner may disclose any document to establish Indian citizenship of the detainee on affidavit by that time.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)