

Case :- MISC. BENCH No. - 3975 of 2020

Petitioner :- Lalta Prasad Pandey

Respondent :- Akshay Kumar & Ors.

Counsel for Petitioner :- Asok Pande, Vindeshwari Pandey

Counsel for Respondent :- A.S.G.

Hon'ble Munishwar Nath Bhandari, J.

Hon'ble Manish Kumar, J.

This writ petition has been filed with following prayer, which is quoted for ready reference:-

" Issue a writ of Mandamus thereby directing the Government of Bharat (Respondent no. 3) to declare the seizure of citizenship of the famous film actor Sri Akshay Kumar (Respondent No. 1) and Ms. Alia Bhatt (Respondent no. 2) as provided in section 9 of the Indian Citizenship Act as they have voluntarily acquired the Citizenship of Canada and U.K. respectively and to direct them to live in the country to which they are citizen and to visit Bharat only on the Visa issued by the government."

The prayer is to seize the citizenship of respondent nos. 1 & 2. It is stated that they have acquired the citizenship of Canada and U.K respectively.

In our view, no cause of action arose within the territorial jurisdiction of this Court. Jurisdiction to entertain the petition is covered by Article 226 of the Constitution of India, which is quoted hereunder for ready reference:-

"226. Power of High Courts to issue certain writs

(1) Notwithstanding anything in Article 32 every High Court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibitions, quo warranto and certiorari, or

any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

(4) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme court by clause (2) of Article 32"

The learned counsel for the petitioner has failed to show that cause of action, wholly or in part, arose within the territorial jurisdiction of this Court.

In light of the aforesaid, we do not find the petition is maintainable before this Court and is **dismissed**, accordingly. It is however, with liberty to approach the

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Court having territorial jurisdiction or the Competent Authority.

Order Date :- 12.2.2020

Ashish