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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14102/2022 and CM APPL. 43118/2022, CM APPL.
12346/2024, CM APPL. 5802/2026

SABAH HABIBULLAH SAYED AND ANRPetitioners

Through: Ms Shimpy Arman Sharma, Mr.
Kranjeet Singh Rajput and Ms
Shivangi Goel, Advocates.

versus

UNION OF INDIA AND ORSRespondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra and Mr. Arnav Mittal,
Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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02.02.2026

1. The present petition is for setting aside the order dated 29.04.2022, passed by Respondent No. 1, whereby the application of Petitioner No. 1 for grant of Indian citizenship was rejected. The petition further seeks directions to the respondents to restore the earlier Indian passport of Petitioner No. 1 and to consider the application of Petitioner No. 2 for grant of Indian citizenship.

2. The petitioners are mother and son respectively. They both held Pakistani passports which, currently, stand expired. Further, as of now, there is no visa for continuation of their stay in India. Their stay is on the strength



of the interim order passed by this Court.

3. Petitioner no. 1, earlier, held an Indian passport. However, her case is that upon her marriage to a Pakistani national, her in-laws fraudulently got issued a Pakistani passport under the name 'Madiha Umer'. Petitioner no. 2 was born in Karachi, Pakistan and has only held a Pakistani passport. Petitioner no. 1's marriage with the said Pakistani national has since been duly dissolved and the petitioners have returned to India.

4. Petitioner no. 1 applied for grant of Indian citizenship under Section 5(1)(f) of the Citizenship Act, 1955 (hereinafter, the Act of 1955) and the same was forwarded to the Central Government by the Government of Maharashtra. However, the application was rejected on the following grounds:

- (i) There were inconsistencies in the particulars in the Pakistani passport and the earlier Indian passport. In Indian passport issued to petitioner no.1, her name was mentioned as 'Sayed Sabah Habibulla', whereas, in Pakistani passport, her name is mentioned as 'Madiha Umer'.
- (ii) The dates of birth specified in both the passports were different. In the Pakistani passport, her specified date of birth was '08.05.1995', whereas, in the Indian passport, the date was mentioned as '16.08.1994'.
- (iii) The place of birth in the Pakistani passport is mentioned as Karachi, Pakistan, whereas, in the Indian passport, the same was specified to be Mumbai, Maharashtra.

5. In the impugned order, respondent no. 1 has found that her identity as per the Pakistani passport does not match with her identity as per the earlier



Indian passport. Therefore, the conditions under Section 5(1)(f) of the Act, 1955 were not met and, accordingly, the application was rejected. As per the case set up by respondent no. 1, an inquiry into their records indicated that the name of petitioner no. 1 had been changed to 'Madiha Umer', under which the Pakistani passport was issued.

6. The Court, earlier, had directed for issuance of notice to the respondents and they have filed their reply. The respondents have sought to justify the impugned order and have raised various objections.

7. During the course of hearing, learned counsel for the petitioners has explained the circumstances under which the petitioners came to hold Pakistani passports and the circumstances of their return to India

8. Section 9 of the Act of 1955 provides for termination of Indian citizenship. If the said provision is considered in the right perspective, it would indicate that that any citizen of India who, by naturalization, registration or otherwise, voluntarily acquires the citizenship of another country shall, upon such acquisition, cease to be a citizen of India.

9. In the instant case, the petitioners seem to have obtained Pakistani citizenship, and, have last held Pakistani passports. Petitioner no.1 has obtained the Pakistani passport after first having had an Indian passport, whereas, petitioner no.2 has held the Pakistani passport right from inception. Therefore, petitioner no. 1 ceased to be an Indian citizen and both the petitioners are Pakistani nationals for all purposes. It is, thus, seen that for obtaining Indian Citizenship, the petitioners will have to apply in accordance with the provisions of the Sections 5(1)(f) and/or 6 of the Act of 1955. The Citizenship Rules, 2009 (hereinafter, the Rules of 2009), which have been framed under the Act of 1955 provide for the manner of registration of an



application under Section 5(1)(f) of the Act, 1955 or naturalization under Section 6(1). Rule 11 of the Rules of 2009 is extracted as under:

“11. Authority to which application may be made.- (1) An application for registration under section 5 or naturalisation under section 6 shall be made to the Collector within whose jurisdiction the applicant is ordinarily resident.

(2) On the receipt of the application, the Collector shall issue an acknowledgment in Form IX.

(3) On being satisfied about the correctness of the particulars of application and before forwarding the application to the State Government or the Union territory Administration, as the case may be, the Collector shall administer to the applicant, who has applied for grant of citizenship by registration, the oath of allegiance as specified in the Second Schedule to the Citizenship Act, 1955.”

10. Rule 12 of the Rules of 2009 requires the forwarding of the application to the Central Government. Thereafter, as per the Rule 14 thereof, the certificate of registration may be granted.

11. During the course of hearing, Ms. Nidhi Raman, learned CGSC, points out that for undertaking the aforesaid exercise, the Ministry is operating through an online Portal (website: <http://indiancitizenshiponline.nic.in>). She, therefore, suggests that if petitioner No.1 applies on the said online portal under the name ‘Madiha Umer’, and petitioner No.2 under his current name, and furnish other details, the application shall be considered in accordance with extant rules and regulations.

12. However, it be noted that the petitioner does not have any document under the name ‘Madiha Umer’. However, the travel record would indicate that the petitioner’s name was ‘Sabah Habibullah Sayed’ and she had travelled to Pakistan under this name. This is not a case where ‘Madiha



Umer’ and ‘Sabah Habibullah Sayed’ are two different persons. In view thereof, instead of the application being made under the name ‘Madiha Umer’, let the petitioner no.1’s application be filed under the name ‘Sabah Habibullah Sayed’.

13. The aforesaid directions are necessary in view of the peculiar facts and circumstances of this case. This is the only way available to deal with the situation.

14. It be also noted that this Court *vide* order dated 22.03.2024 noted that the permission given to the petitioners to stay in India had expired on 27.03.2023 (modified *vide* order dated 25.04.2024, and was treated to have been valid up to 27.03.2024), and respondents were directed not to repatriate the petitioners outside the country till the conclusion of the case. This direction shall remain in force till the petitioners’ applications are not finally decided. It is also directed that since the petitioners had entered into India with a valid passport and have stayed in India under the directions of the Court, they shall not be treated to be illegal migrants.

15. There does not seem to be any other impediment in considering the petitioners’ application for grant of Citizenship under Section 5(1)(f) and/or Section 6 of the Act, 1955. Accordingly, the petition stands disposed of with the following directions:

- (i) The petitioners shall file application under Section 5(1)(f) and/or Section 6 of the Act, 1955 on official online portal with all requisite documents.
- (ii) Once the application is made, the State Government shall process the same with due expedition and, thereafter, forward the same to the Central Government.



- (iii) On receipt of such an application, the respondents shall take the final decision with due expedition and without any undue delay.
- (iv) If the respondent-authorities need any further clarification, the necessary communication shall be made to the petitioners. The petitioners shall rectify the deficiency, if any.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 02, 2026

aks/ksr