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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 1231/2024**
UNION OF INDIA & ORS.

.....Appellants

Through: Mr Abhigyan Siddhant, GP.

versus

RACHITA FRANCIS XAVIER

.....Respondent

Through: Mr Bhardwaj S Iyengar, Advocate.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **20.12.2024**

CM APPL. 74970/2024(condonation of delay)

1. For the reasons stated in the application, the delay of 148 days in filing the appeal stands condoned.
2. The application stands disposed of.

CM APPL. 74969/2024 (Exemption)

3. Exemption is allowed, subject to all just exceptions.
4. The application stands disposed of.

LPA 1231/2024

5. The appellant has filed the present appeal impugning the judgment dated 15.05.2024 rendered by a learned Single Judge of this court in W.P.(C) No.1754/2020 captioned *Rachita Francis Xavier v. Union of India & Others*, which was allowed in favour of the respondent.
6. The respondent filed the aforesaid writ petition at the time when the respondent was a minor. The respondent desired to study overseas and, therefore, had requested for a passport, which was denied. It is the



appellant's case that the respondent being a minor could not be given a passport as both the parents – although residing in India and holding OCI Cards, were citizens of the United States of America. According to the appellant, the respondent's request as a citizen could have been considered only if the respondent who was born in India had unequivocally expressed her intention to be an Indian citizen after attaining the age of majority.

7. Apart from examining the rights of the respondent, the learned Single Judge also held that since the respondent will attain the age of majority in November 2024 and has clearly expressed her intent to be an Indian citizen, the same should be granted "in unique and special facts and circumstances of the present case".

8. The learned counsel appearing for the appellant submits that the appellant does not seek to question the grant of citizenship to the respondent as she has attained the age of majority and as noted by the learned Single Judge, had expressed her intent and choice to be an Indian citizen. He, however, states that there are certain findings in the impugned judgment that have wide ramifications, which require consideration.

9. Issue notice.

10. The learned counsel for the respondent accepts notice.

11. We clarify that the examination in the present appeal would be limited to the findings as recorded and not the respondent's right to be a citizen of this country. In other words, irrespective of the outcome of the present appeal, the respondent's citizenship will not be called into question on account of the present proceedings.

12. Let the reply be filed by the respondent within the period of four weeks from date. Rejoinder thereto, if any, be also filed within two weeks



thereafter.

13. List on 25.04.2025.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 20, 2024

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Click here to check corrigendum, if any