



WA NO. 2172 OF 2024

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2025:KER:63835

“C.R.”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE SUSHRUT ARVIND DHARMADHIKARI

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

SATURDAY, THE 23RD DAY OF AUGUST 2025 / 1ST BHADRA, 1947

WA NO. 2172 OF 2024

AGAINST THE JUDGMENT DATED 23.07.2024 IN WP(C) NO.18750 OF 2022 OF HIGH
COURT OF KERALA

APPELLANT/S:

UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, MAJOR DHYAN CHAND NATIONAL STADIUM, NEW
DELHI, PIN - 110002

BY ADV SMT.MINI GOPINATH, SENIOR PANEL COUNSEL

RESPONDENT/S:

- 1 RASHEEDA BANO
AGED 49 YEARS
W/O MOHAMMED MAROOF, ‘THANAL' UKKASMOTTA, KADIRUR,
THALASSERY, KANNUR, PIN - 670642
- 2 SUMAIRA MAROOF
D/O MOHAMMED MAROOF, ‘THANAL' UKKASMOTTA, KADIRUR,
THALASSERY, KANNUR, PIN - 670642
- 3 MARIAM MAROOF
D/O MOHAMMED MAROOF, ‘THANAL' UKKASMOTTA, KADIRUR,
THALASSERY, KANNUR., PIN - 670642
- 4 STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY (HOME) HOME (G) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001



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- 5 DISTRICT COLLECTOR,
KANNUR - 670 001.
- 6 DISTRICT POLICE CHIEF,
KANNUR - 670 001.

BY ADV SHRI.M.SASINDRAN
SRU SUNIL KUMAR KURIAKOSE, GP

THIS WRIT APPEAL HAVING RESERVED ON 02.06.2025, THE COURT ON 23.08.2025
DELIVERED THE FOLLOWING:



JUDGMENT

“C.R.”

Sushrut Arvind Dharmadhikari, J.

The present intra-Court Appeal under Section 5 of the Kerala High Court Act, 1958, arises out of the judgment dated 23.07.2024, passed in W.P.(C) No. 18750/2022, whereby the writ petition was allowed. The appellant herein was the respondent No.1 in the writ petition, whereas the respondent Nos. 1 to 3 were the petitioners in the writ petition.

Facts:

2. The brief facts of the case are that the Respondent No.1 is the mother of Respondent Nos. 2 and 3. The husband of Respondent No.1, Sri Mohammed Maroof, was born in India in a village called Kottayam - Malabar, in the Kannur District. He became an orphan at the age of nine, and he was adopted by his grandmother. In 1977, he migrated to Pakistan along with his grandmother. Later on, he was issued with a Pakistani passport. Sri Maroof is now employed in the United Arab Emirates. He had married Respondent No.1, who is the daughter of his



uncle. In the year 2008, Sri Maroof's family moved to India based on the permission granted by the Indian Government to stay in India initially for a specific time frame, and thereafter, the said period has been extended from time to time.

2.1 Respondent Nos. 1 to 3 had submitted applications in Form VI as per Rule 8(1)(a) of the Citizenship Rules 2009 for registration as Indian citizens under Section 5(1)(f) of the Citizenship Act 1955 (for short, 'the Act').

3. The appellant issued an order in respect of Respondent No.2 stating that the Government of India has decided to grant registration to Respondent No.2 under Section 5(1)(f) of the Act subject to compliance with certain requirements and submission of documents. A similar order was also issued in respect of Respondent No.3 on 05.09.2017. One of the important documents which was required to be submitted is the Renunciation Certificate issued by the Pakistani Government. In the absence of the availability of the Renunciation Certificate, the citizenship of India cannot be granted.



4. Respondent Nos. 1 to 3 filed the writ petition to consider Ext.P12 representation submitted by the Respondent No.1 and to grant citizenship of India to Respondent Nos.2 and 3 without insisting on a Renunciation Certificate in evidence of renunciation of Pakistani citizenship. Respondents 1 to 3 prayed for the following reliefs in the Writ Petition:

- “i. issue a writ of mandamus or any other writ, order or direction to the 1st respondent to consider Ext.P12 representation submitted by the 1st petitioner and to grant citizenship for the 2nd and 3rd petitioners without insisting for renunciation certificate;
- ii. issue a writ of mandamus or any other writ order or direction to the 1st respondent to grant the 2nd and 3rd petitioners citizenship as stated in Ext.P3 and P3(a) by considering Ext.P5 and P5(a) No Objection Certificates.
- iii. Set aside Ext.P7 and Ext.P9, by issuing appropriate writ or order.
- iv. award cost to the petitioner;
- v. issue such other writ order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case;”

Appellant's submission:

5. Section 14A of the Pakistan Citizenship Act 1951 deals with renunciation of Pakistani citizenship. Section 14A(1) of the Pakistan



Citizenship Act provides that if any citizen of Pakistan residing outside Pakistan, who is not a minor and has been given by the competent authority of another country any valid document assuring him of the grant of the citizenship or nationality of that country upon renouncing his citizenship of Pakistan, makes in the prescribed manner a declaration renouncing his citizenship of Pakistan, the declaration shall be registered by the prescribed authority; and upon such registration that person shall cease to be a citizen of Pakistan.

5.1 Learned Counsel for the appellant submits that as per Section 14A of the Pakistan Citizenship Act, a child can renounce the citizenship of Pakistan and regain it within one year after completing 21 years of age. Section 14A also states that only an individual above the age of 21 can apply for his/her renunciation of citizenship of Pakistan, by virtue of which his/her minor children below the age of 21 residing outside Pakistan will cease to be citizens of Pakistan. It is categorically indicated that minor children cannot renounce citizenship of Pakistan by himself/herself. The Pakistani authorities



would further indicate that they have no objection to the grant of Indian nationality to the children. Therefore, the situation under the Act is that no person can hold dual citizenship, be it a minor or a person beyond the age of 18 years. Unless they renounce the citizenship of Pakistan, they cannot become citizens of this Country.

5.2 Further, the learned Counsel argued that Section 5(1)(d) of the Act mandates that the both parents are required to be Indian citizens for the purpose of grant of citizenship to minors, and, therefore, it is clearly indicated in the order that all the documents which would be necessary for grant of citizenship should be produced before the Authorities. If the law elsewhere, *i.e.*, Pakistan, does not permit renunciation of citizenship by minors up to a certain age, the law of this nation would not permit the grant of citizenship to such persons. Therefore, it is for the Respondent No.1, mother of Respondent Nos.2 and 3, to produce all the documents necessary before the concerned Authorities in India for the grant of Indian citizenship, to be accorded in terms of the Act.



6. In the present case, Respondent Nos.2 and 3 are citizens of Pakistan, and they have only surrendered the passports and certificates from the Pakistan High Commission stating that they have no objection if Indian citizenship is granted. Mere surrender of the passport does not amount to renunciation of citizenship. No such directions could have been issued by the learned Single Judge directing to decide the representation as well as grant citizenship of India to Respondent Nos.2 and 3.

7. The learned Single Judge was wrong in coming to the conclusion that the requirement of the Renunciation Certificate can only be treated as a Rule of Evidence and cannot be treated as a substantive requirement. The learned Single Judge also erred in coming to the conclusion that the Pakistan High Commission, which is representing the Government of Pakistan in India, has already issued certificates declaring that the Pakistan High Commission has no objection to the Indian Government granting nationality to Respondent Nos.1 to 3.



8. Furthermore, the learned Single Judge also erred in allowing the Writ Petition without setting aside Exts.P7 and P9. In view of the aforesaid, the judgment passed by the learned Single Judge deserves to be set aside and the Writ Appeal be allowed.

Respondent's submission:

9. *Per Contra*, learned Counsel for Respondent Nos.1 to 3 submitted that all the statutory formalities have been complied with by Respondent Nos.1 to 3 except the submission of the Renunciation Certificate issued by the Pakistani Government. The Pakistani Embassy would issue a Renunciation Certificate only after Respondent Nos.2 and 3 attained the age of 21 years. In the present case, the Renunciation Certificate cannot be issued even after the attainment of 21 years, as Respondent Nos.2 and 3 have already surrendered their Pakistani passports before attaining the age of 21 years. The Pakistan High Commission has also issued a No Objection Certificate [Exts.P5 and P5(a)] on 08.05.2018, stating that they have no objection to granting Indian citizenship to Respondent Nos.2 and 3.



9.1 The learned Counsel further submitted that the learned Single Judge has rightly arrived at the conclusion that in the undisputed fact situation that all other formalities have been completed, which are sufficient to show that the respondents have renounced their Pakistani citizenship. The learned Counsel submits that the Writ Appeal deserves to be dismissed.

Discussion and Analysis:

10. Heard Ms Mini Gopinath learned Central Government Counsel for the appellant, Mr M Sasindran learned Counsel for Respondent Nos.1 to 3, and Mr Sunil Kumar Kuriakose, learned Government Pleader for R4 to R6, and perused the records.

11. For an individual to become a citizen of India, they must meet certain conditions. If they are already a citizen of another country, they must formally renounce that citizenship. This applies to both adults and minors. Admittedly, even as on date, Respondent Nos. 2 and 3 are citizens of Pakistan, as their citizenship has not been renounced in terms of Section 14A of the Pakistan Citizenship Act. Unless they



renounce the citizenship of Pakistan, the Citizenship Act 1955 does not grant citizenship to persons who are already citizens of another country, be it a major or a minor. The Citizenship Act of 1955 in India does not allow for dual citizenship. The laws do not make exceptions based on age (major or minor) or circumstance. For a person to be considered a citizen of India, they must be recognized as such by the Indian state alone, without any competing claims from another country's government. The formal renunciation process is the mechanism that ensures this legal clarity.

Conclusion:

12. Respondent Nos. 2 and 3 cannot be declared to be citizens of India in the absence of proper compliance with Section 14A of the Pakistan Citizenship Act 1951. Even though all necessary formalities might have been completed, as per Section 14A, a Renunciation Certificate is mandatory, and it cannot be waived of stating that the documents produced are sufficient to show that Respondent Nos.2 and 3 have renounced their Pakistani citizenship and, as such, they still



continue to be citizens of Pakistan.

Result:

13. In view of the aforesaid, the judgment passed by the learned Single Judge cannot be allowed to stand. Accordingly, the judgment dated 23.07.2024 passed in W.P.(C) No.18750/2022 is set aside. The Writ Appeal is allowed.

13.1 It is made clear that allowing the present Writ Appeal will, however, not come in the way of the appellant/Authorities in considering the case of Respondent Nos. 1 to 3, in event they fulfill all necessary requirements as is observed in the communication dated 17.07.2019 [Ext.P7] as well as order dated 19.03.2018 [Ext.P9]. All Interlocutory Applications as regards interim matters stand closed.

Sd/-

SUSHRUT ARVIND DHARMADHIKARI

JUDGE

Sd/-

SYAM KUMAR V.M.

JUDGE



APPENDIX OF WA 2172/2024

PETITIONER EXHIBITS

Exhibit P1	EXHIBIT P1 OF WPC. NO. 18750/2022
Exhibit P2	EXHIBIT P2 OF WPC. NO. 18750/2022
Exhibit P2(a)	EXHIBIT P2(A) OF WPC. NO. 18750/2022
Exhibit P3	EXHIBIT P3 OF WPC. NO. 18750/2022
Exhibit P4	EXHIBIT P4 OF WPC. NO. 18750/2022
Exhibit P4(a)	EXHIBIT P4(A) OF WPC. NO. 18750/2022
Exhibit P5	EXHIBIT P5 OF WPC. NO. 18750/2022
Exhibit P5(a)	EXHIBIT P5(A) OF WPC. NO. 18750/2022
Exhibit P6	EXHIBIT P6 OF WPC. NO. 18750/2022
Exhibit P7	EXHIBIT P7 OF WPC. NO. 18750/2022
Exhibit P8	EXHIBIT P8 OF WPC. NO. 18750/2022
Exhibit P9	EXHIBIT P9 OF WPC. NO. 18750/2022
Exhibit P10	EXHIBIT P9 OF WPC. NO. 18750/2022
Exhibit P11	EXHIBIT P11 OF WPC. NO. 18750/2022
Exhibit P11(a)	EXHIBIT P11(A) OF WPC 18750/2022
Exhibit P12	EXHIBIT P12 OF WPC. NO. 18750/2022

RESPONDENT ANNEXURES

Annexure R1(a)	A TRUE COPY OF THE APPLICATION DATED 14.05.2025, ALONG WITH AN AFFIDAVIT SUBMITTED BY THE 2ND RESPONDENT BEFORE THE DISTRICT COLLECTOR, KANNUR.
Annexure R1(b)	A TRUE COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE OF THE DISTRICT COLLECTOR ON 16.05.2025.
Annexure R1(c)	A TRUE COPY OF THE APPLICATION DATED 14.05.2025, ALONG WITH AN AFFIDAVIT SUBMITTED BY THE 3RD RESPONDENT BEFORE THE DISTRICT COLLECTOR, KANNUR.
Annexure R1(d)	A TRUE COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE OF THE DISTRICT COLLECTOR ON 16.05.2025.