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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9296/2021, CM APPL. 12856/2022, CM APPL. 40982/2022
& CM APPL. 1916/2023
JITIN Petitioner

Through: Ms. Meera Kaura Patel, Ms. Payal
Pandey, Ms. Ritika Saini, Mr.
Himanshu Rai and Mr. Sunpreet
Singh, Advocates alongwith
petitioner

versus

THE STATE (NCT) OF DELHI & ORS Respondent

Through: Mr. Lalitaksh Joshi, Advocate for R-1
to 5 with ACP Vijay Chandal.
Mr. Tarun Johri, Mr. Ankur Gupta
and Mr. Vishwajeet Tyagi, Advocates
for R-6/NMRC.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
27.05.2024

(The proceeding has been conducted through Hybrid Mode)

1. After hearing the parties and perusing the records of CM APPL. 40982/2022, filed by the petitioner, it appears that the grandfather of the petitioner was enrolled in the Indian British Army on 09.04.1943 in Royal Indian Army Service Corps (Supply Unit) at Serial No. 14866 at the rank of Sipahi (GDS) in the class named as *Hindu Gurkha*, giving the entire details of his residential address in Nepal.



2. The said document is a “Certificate of Discharge for Transfer to the Reserve and Recommendation for Civil Employment” issued to the grandfather of the petitioner by the Competent Authority at that point of time. It has also been noted that his grandfather had been decorated with a War Medal.
3. Subsequent thereto, it appears that the grandfather had settled in India and there are documents to show that he was also issued Election Card and his name was appearing in the Electoral Rolls of the Lok Sabha for the year 1980. Even the name of father of the petitioner is stated to be appearing in Electoral Rolls of the State of Delhi.
4. The other similar applications bearing CM APPL. 12856/2022 & CM APPL. 1916/2023 also contain relevant documents in support of the contention of the petitioner.
5. It is submitted by Ms. Meera Kaura Patel, learned counsel for the petitioner that replies to such applications have not yet been filed by the respondents though notices have been issued.
6. Keeping in view that these documents can be authenticated and verified by the Union of India through Ministry of Home Affairs, it is felt necessary to implead the Union of India through the Ministry of Home Affairs as a party respondent.
7. Accordingly, Ministry of Home Affairs, Union of India is impleaded as party respondent no.7.
8. The amended Memo of Parties be filed by the petitioner within one week from today. Thereafter, upon petitioner taking steps within one week, notice be issued to newly impleaded respondent no.7 through all permissible modes. Additionally *dasti* to be served through CGSC/Standing Counsel for



Union of India.

9. In the meanwhile, respondent nos.1 to 3 are directed to file their replies to the aforesaid applications positively within four weeks from today. The reply affidavit shall clearly delineate the nature of the documents as also disclose the veracity and authenticity of such documents. In case so required, rejoinder be filed within two weeks, thereafter.

10. Ms. Patel also invites attention of this Court to the Gazette Notification dated 23.08.1988 issued by the Central Government in respect of clarification regarding citizenship of *Gorkhas*, who settled in India at the commencement of the Constitution. By referring to such notification, particularly to sub-para (c) of para 1, she submits that the grandfather would be entitled to be a citizen of India by virtue thereof. She submits that as a consequence thereto, the petitioner too would be a citizen of India.

11. Mr. Lalltaksh Joshi, learned counsel appearing for the respondent nos.1 to 5 seeks some time to place the written submissions on record, including the comments as to the status of the aforesaid notification and the submission made thereon.

12. List on 11.09.2024.

TUSHAR RAO GEDELA, J

MAY 27, 2024

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