

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 192 OF 2026

Between:

Niketan Panjela, S/o Udhay Panjela, Aged about 3 years, represented by Sumedha Thanda W/o Udhay Panjela Aged about 38 years, Occ. Pvt. Employee, (being the natural mother and guardian of minor) R/o H.No.10-1/1, Narsingi, Medak, Telangana 502 248.

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Home Affairs, North Block, New Delhi - 110001
2. Government of India, Ministry of External Affairs Rep. by its Secretary, Raisina Hill New Delhi.
3. Regional Passport Officer, Regional Passport office, Hyderabad, D.No.8-2-215 to 219 Kummarguda, Secunderabad-500 003.
4. The Foreigners Regional Registration Officer (FRRO), 2nd Floor, East Block, Haca Bhavan, Opp. Public Gardens, Hyderabad - 500004
5. Bureau of Immigration, Rep. by its Commissioner, Ministry of Home Affairs, New Delhi

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus declaring the action of the Respondents in deboarding the Minor Petitioner, Niketan Panjela, on 23.10.2025 and their subsequent inaction in issuing an Exit Permit-while arbitrarily insisting on the surrender of his Indian Passport and payment of overstay fines-as illegal, arbitrary, and a violation of the Citizenship Act, 1955, and Articles 14 and 21 of the Constitution of India. And consequentially, and without prejudice to final

adjudication on citizenship status, to direct the Respondents to issue a valid Exit Permit to the Minor Petitioner to allow him to travel to the United Kingdom without imposing any coercive conditions.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to issue a valid Exit Permit without imposing any coercive conditions such as payment of overstay fine or surrender of passport, to Niketan Panjela to allow him to travel to the United Kingdom. pending final disposal of main Writ Petition.

**Counsel for the Petitioner: SRI JAGAN MOHAN. P REPRES ENTING
SRI NEELI RISHI KUMAR**

**Counsel for the Respondents: SMT NVR RAJYA LAKSHMI,
SC FOR CENTRAL GOVERNMENT**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.192 of 2026

27.01.2026

Between:

Niketan Panjela

...Petitioner

AND

The Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi & 4 others

...Respondents

ORDER:

Heard Sri Jagan Mohan P, learned counsel representing Sri Neeli Rishi Kumar, the learned counsel for the petitioner and Smt.NVR Rajya Lakshmi, learned Standing Counsel for Central Government, appearing for respondents. Perused the record.

2. This writ petition is filed complaining of the action of the respondent authorities in deboarding the minor petitioner on 23.10.2025 and in thereafter restraining him from travel, insisting upon surrender of his Indian passport and payment of penalty/overstay fees, despite the minor being a citizen of India by

descent under Section 4(1)(b) read with Section 4(1A) of the Citizenship Act, 1955.

3. The case of the petitioner is that the minor was born in the United Kingdom on 23.03.2022 to an Indian citizen father, that his birth was duly registered with the Indian Mission within the statutory period, and that he was issued an Indian passport on 02.05.2022. It is stated that the minor also acquired British citizenship by birth, which is automatic and involuntary, and that under Section 4(1A) of the Citizenship Act, 1955, the minor is entitled to retain Indian citizenship during minority and the question of renunciation arises only upon attaining majority.

4. Learned counsel for the petitioner contends that the deboarding of the minor petitioner, insistence on surrender of the Indian passport, and demand for penalty/overstay fees are wholly arbitrary, unsupported by any written order, and contrary to the statutory scheme under the Citizenship Act, 1955. Reliance is placed on the judgment of the Hon'ble Delhi High Court in ***Akshar Reddy Vanga v. Union of India***¹.

5. However, the learned counsel for the petitioner fairly conceded that the petitioner is willing travel out of India on the

same Indian passport and therefore, prayed to allow the writ petition.

6. Learned counsel appearing for the respondents, produced written instructions issued by the Foreigners Regional Registration Office, Hyderabad, wherein it is stated that the petitioner had arrived in India on 13.09.2025 on Indian passport, that an exit permit application dated 09.12.2025 is pending for payment of fees, and that as per existing passport and immigration guidelines, an Indian citizen cannot hold a foreign passport. It is prayed that suitable directions be issued to the petitioner to pay the requisite fee if he intends to travel on foreign passport.

7. Having considered the submissions on either side and on a *prima facie* examination of the statutory provisions, this Court notes that Section 4(1A) of the Citizenship Act, 1955 expressly protects the citizenship of a minor who is a citizen of India by descent, even if such minor is also a citizen of another country, until attainment of majority. The requirement of renunciation arises only upon attaining full age. During minority, the statutory right of citizenship cannot be curtailed by executive instructions or administrative guidelines.

8. In the present case, the minor petitioner entered India on an Indian passport and seeks to travel out of India on the same Indian

passport. In the absence of any adjudication under the Citizenship Act, 1955, and in the absence of any written order declaring cessation of citizenship, the insistence on surrender of the Indian passport and levy of penalty cannot be sustained.

9. In view of the above facts and circumstances, and without expressing any opinion on the final determination of citizenship status, this Court deems it appropriate to dispose of the writ petition with a direction.

10. Accordingly, the writ petition is disposed of with the directions the respondents to permit the minor petitioner, Niketan Panjela, to travel to the United Kingdom on his Indian passport, without insisting for surrender of the said passport and shall not levy or demand any penalty, overstay fee or other charges in connection with such travel and also necessary clearance / exit permission / valid visa, if required, shall be issued forthwith, subject to routine verification, to facilitate the minor's travel.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/- C.DEEPIKA
ASS STANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To,

1. The Secretary, Ministry of Home Affairs, Union of India North Block, New Delhi - 110001
2. The Secretary, Government of India, Ministry of External Affairs Raisina Hill New Delhi.

3. Regional Passport Officer, Regional Passport office, Hyderabad, D.No.8-2-215 to 219 Kummarguda, Secunderabad-500 003.
4. The Foreigners Regional Registration Officer (FRRO), 2nd Floor, East Block, Haca Bhavan, Opp. Public Gardens, Hyderabad - 500004
5. The Commissioner, Ministry of Home Affairs, Bureau of Immigration, New Delhi
6. One CC to SRI. NEELI RISHI KUMAR, Advocate [OPUC]
7. One CC to SMT NVR RAJYA LAKSHMI, SC FOR CENTRAL GOVERNMENT [OPUC]
8. Two CD Copies

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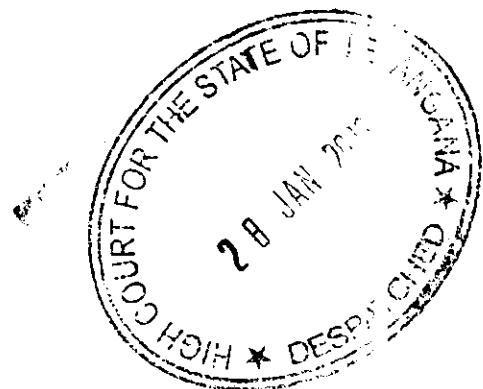
HIGH COURT

CC TODAY

DATED:27/01/2026

ORDER

WP.No.192 of 2026



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

16
28/01/26
DR