



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL CONTEMPT PETITION NO. 936 OF 2024-F
IN
CRIMINAL WRIT PETITION NO. 61 OF 2023.

ANGELO JOHN BOSCO SAVIO FERNANDES ... Petitioner.

V e r s u s

GOVING MOHAN ... Respondent.

Mrs. A. Agni, Senior Advocate with Ms Afrin Harrihar, Advocate for the Petitioner.

Mr. Pravin Faldessai, Deputy Solicitor General of India for the Respondent.

CORAM: **M. S. KARNIK &**
 NIVEDITA P. MEHTA, JJ.
DATE: **14th November 2024.**

P.C

1. Heard Ms Agni, learned Senior Counsel for the petitioner.

2. Our attention is invited to the order dated 28.6.2024 in respect of which breach is alleged. Mr P. Faldessai, learned Deputy Solicitor General of India has placed on record Communication dated 13.11.2024 addressed to the Principal Secretary (Home) Government of Goa, by the Under Secretary to the Govt of India, Ministry of Home affairs. Along with the communication dated 13.11.2024 placed a communication dated 4.9.2024 which reads thus:-

"I am directed to refer to your letter No. 9/115/2015-HD(F&CD/IC/268 dated 18/07/2024 on the subject cited above and to say that Hon'ble High Court of Bombay at Goa vide Order dated 28/06/2024 has disposed of the Criminal Writ Petition No. 61/2023 filed by Mr. Angelo Fernandes father of the applicant by passing direction that;

"the Authority will take all materials on record into consideration including the objection which has been filed by the petitioner while considering the application made by respondent No. 9 (the applicant Ms. Graca Beatriz Fernandes, a British national). The application to be decided on its own merits and in accordance with law. It is requested that the application be decided expeditiously and preferably within a period of six weeks from the date of communication of this order."

2. Earlier, Ms. Maria Beatriz De Souza submitted an application for Indian Citizenship on behalf of her minor daughter Ms. Graca Beatriz Fernandes a British national under section 5 (4) of the Citizenship Act, 1955 and the same was forwarded by the State Government of Goa vide their letter No 9/115/2015/HD(F7CD)/IC/127 dated 08/02/2016 to this Ministry.

3. Upon receipt of the Court Order, the case was referred to the Central Security Agency for their report. The Central Security Agency has inter-alii reported that Ms. Graca Beatriz Fernandes, a British national does not hold valid Passport or Visa. It is to state that the Citizenship Act, 1955 requires that an applicant should be in possession of valid Foreigners Passport and a valid Visa/Residential Permit or any other valid travel document before making an application for grant of Indian citizenship. However, in the instant case, Ms. Graci Beatriz Fernandes was not in possession of valid Foreign Passport and valid Visa on the date of making citizenship application (i.e. 19/05/2014) as her British Passport was valid up to 28/07/2013 only and thereafter it was not renewed.

4. Therefore, in order to comply with the direction of the Hon'ble Court, it is requested to ask Ms. Maria Beatriz De Souza to renew her daughter Ms. Graca Beatriz Fernandes's British Passport and regularize her stay in India with the

concerned FRRO/FRO and send documentary proof of the same to this Minister: for further processing.”

3. Shri P. Faldessai on instructions submits that respondents are in the process of taking a decision in terms of the order passed by this Court but in order to comply with the directions of this Court a request was made to Ms Maria Beatriz De Souza to renew her daughter Ms Graca Beatriz Fernandes British passport and regularize her stay in India with the concerned FRRO/FRO and send documentary proof of the same to the Ministry for further processing.
4. Ms Agni learned Senior Advocate for the petitioner submits that the petitioner is willing to comply with the necessary formalities and in terms of the earlier orders passed by this Court will appear through VC before concerned FRRO/FRO upon a prior intimation to that effect given to him by the FRRO/FRO.
5. Request made by the learned Deputy Solicitor General of India is reasonable. Hence, we extend the time granted by us vide our order dated 28.6.2024 by further period of four weeks from today.
6. Needless to mention that if there is no compliance to the order passed by this Court, it is always open to the petitioner to file contempt petition.

7. Contempt petition stands disposed of.
8. List the matter on 18.12.2024 for compliance.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.