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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8455/2018 & CM No. 32506/2018

SAVITHA KUMAR

..... Petitioner

Through: Mr Ashish Batra, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Jasmeet Singh, CGSC with Mr
Sushil Kumar Pandey, GP for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.08.2018

1. The petitioner has filed the present petition being aggrieved by the action of the respondents not permitting her husband, – Dr Naresh Satyanarayan Kumar – to enter India. The petitioner claims that Dr Naresh Satyanarayan Kumar is a person of Indian Origin. He acquired citizenship of the United Kingdom (U.K) in the year 2006 after spending seventeen years, studying and working in the U.K. He is also an Overseas Citizen of India (OCI Card no.A1595162). The petitioner claims that Dr Naresh Sayanarayan Kumar is highly qualified and is an eminent doctor in the field of Orthopaedic and Spinal Surgery. It is stated that he travels world over to give lectures in the field of his specialisation

2. The petitioner claims that Dr Naresh Sayanarayan Kumar was invited as to give the key note lecture at a medical conference held at Amritsar

between 9th to 11th August, 2018. Accordingly, the petitioner and her husband travelled to India on 08.08.2018. However, her husband (Dr Naresh Sayanarayan Kumar) was denied entry and his passport was endorsed with the noting “entry refused”.

3. Mr Singh, the learned counsel appearing for the respondents states that the petitioner’s husband had been black listed by an order dated 05.03.2018 passed by FRRO, Chennai. He seeks time to obtain necessary details in this regard.

4. It is seen that there are number of cases that are instituted in this Court on account of foreigners/OCI card holders not being permitted entry into India on their arrival. One of the disturbing feature is that none of the said persons – foreign citizens/OCI card holders – have any prior intimation that they are black listed and their entry in India would not be permitted notwithstanding that they have a valid visa. They discover that they are not allowed entry into the country only on their arrival at the airport in India. Whilst there may be good reason for the respondents to deny certain foreigners entry into India, the practice of not informing them of such decision in advance, cannot be countenanced. This is not only unreasonable but militates against our value of fairness that is engrafted in the Constitution of India. This practice must be deprecated.

5. The Secretary, Ministry of External Affairs is directed to ensure that necessary directions are issued to all the officers, who are authorised to issue black listing orders to inform such persons (foreigners/OCI card holders, who have been issued a prior visa) that they have been black listed and their entry into this country would be denied. The Secretary, Ministry of External Affairs shall file an affidavit confirming compliance of this order, within a

period of four weeks from today.

6. Insofar as the present petition is concerned, the respondents may file a counter affidavit within a period of two weeks from today. Rejoinder, if any, be filed within a period of one week, thereafter. The respondents shall produce the relevant file containing the material and reasons for issuance of the black listing order on the next date of hearing.

7. List on 11.10.2018.

8. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 21, 2018

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