

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 1081/2025
CM No. 2569/2025**

Sayed Zamir Fatima & Anr.

.....Appellant(s)/Petitioner(s)

Through: Mr. Sayed Majid Shah, Advocate

Vs

Union of India & Ors.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG
Mr. Vishal Sharma, DSGI

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(02.05.2025)

- 01.** The petitioner No. 1 is a Pakistani national and is holding a passport of Pakistan as Pakistani citizen. The petitioner No. 1's passport No. is **AJ420020**. The petitioner No.2 is also with the same status and is holder of a passport No. **AJ420019**.
- 02.** The petitioner No. 1's year of birth is 1958 and place of birth being district Sargodha of Pakistan and the petitioner No. 2's year of birth is 1961 and place of birth is district Sargodha of Pakistan.
- 03.** The petitioner No. 1 entered India when she was mentioned to be a student. She was granted a Short Visit Visa for a period of 14 days' visit and stay in Shahdara Rajouri and

Darhal Poonch, by virtue of authority dated 23.08.1982 issued by the Indian Embassy in Pakistan.

- 04.** The petitioner No. 2 was also a student at the time when she came to be issued Pakistani passport. The petitioner No. 2 also came to India on a Short Term Visa for stay for a period of 14 days in Darhal Poonch and Shahdara Rajouri on the basis of authority dated 23.08.1982 Indian Embassy in Pakistan.
- 05.** Both the petitioners appeared to have self stationed themselves in Rajouri unmindful of the tenure of their respective Short Term Visa and in the course of time getting married but without loss of their status as being Pakistani nationals.
- 06.** The petitioners are said to have filed writ petitions OWP No. 500/2006 and OWP No. 499/2006 in the High Court of J&K, as it used to be then, which along with connected matters came to be disposed of vide an order dated 29.08.2012 with a direction to the writ respondents therein to accord consideration to the writ petitioners' claim as set out in their respective writ petitions and take a decision in the matter on individual merits of each and every claim within a period eight weeks from the date of passing of order dated 29.08.2012.
- 07.** The subject matter of the writ petitions so disposed of by the High Court of J&K in terms of order dated 29.08.2012

related to the purported claims of the writ petitioners seeking Indian citizenship. The writ petitions which came to be disposed of on 29.08.2012 did not earn any favour to the petitioners herein as they were not extended any citizenship status by the Government of India.

08. Notwithstanding the fact of intermittent extensions if any granted in faovur of the petitioners in the matter of their overstay in India, the fact remains that the petitioners' entry in India was on a very short stay duration visa which expired way long back and rendered their status of presence in India as foreigners in India without due authorization to stay in India.
09. The petitioners have now come confronted with a call to leave India on account of identification carried out by the concerned administrative authorities in terms of **Immigration and Foreigners Act, 2025** and therefore, no equity whatsoever in terms of long stay and being married in India and having children born in India can come to the assistance of the petitioners.
10. This Court is not supposed to re-write the provisions of **The Foreigners Act, 1946** and now that of **Immigration and Foreigners Act, 2025** by any stretch of equity as it is the domain of the executive to deal with the petitioners' case.
11. The petitioners have been served upon a notices No. **FR/VB/2025/Notice/Overstaying/3901** and **FR/VB/**

2025/Notice/Overstaying/3902 dated 26.04.2025 in terms whereof the petitioners came to be called upon to leave India by 27.04.2025. The petitioners are said to have been detained for the purpose of being deported back to Pakistan.

12. Hence, no case is made out for any relief and this writ petition is accordingly, **dismissed**.

13. It is, however, directed that given the age and sex of the petitioners, Government of India is urged to provide them full care in the matter of their deportation which is commensurating with the basic Human Rights protocol.

JAMMU
02.05.2025
SUNIL

(RAHUL BHARTI)
JUDGE



OF JAMMU & KASHMIR AND LADAKH