

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

WP(C) No. 2772/2025
CM No. 6358/2025

Sarwat Begum Th. Her husband
Mohd. Ishtiaq.

.....Appellants

Through: Mr. Mohd. Arif, Advocate

Vs

UOI and ors.

..... Respondents

Through: Mr. Sumant Sudan, Assisting counsel
to Mr. Vishal Sharma, DSGI for R-1
Ms. Chetna Manhas, Advocate,
Assisting counsel to Mrs. Monika
Kohli, Sr. AAG for R-2 to 4

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
06.10.2025

1. Through the medium of present petition, the petitioner has challenged Notice No. FR/VB/2025/Notice/LTV/3992 dated 28.04.2025 issued by the Superintendent of Police by virtue of which she has been directed to leave India within 24 hours. It is pertinent to mention here that present petition has been filed by husband of petitioner-Sarwat Begum on her behalf.

2. Heard and considered.

3. The instant petition has been filed by Sh. Mohd. Ishtiaq who claims to be husband of Mst. Sarwat Begum against whom the impugned notice has been issued. Mohd. Ishtiaq has not filed any power of attorney executed by his wife authorizing him to file the present petition on her behalf. Without a power of attorney

authorizing the husband of petitioner to file a petition on her behalf, the instant petition cannot be proceeded with.

4. Even on merits, the petitioner does not have a case in her favour. If we have a look at the impugned notice, it appears that the same has been issued in compliance to Government of India, Ministry of Home Affairs, Foreigner-I Division Order issued vide No. 25022/28/2025-F I dated 25.04.2025. The said order has been issued under Section 3(1) of the Foreigners Act, 1946 and the order reads as under:-

“2. In continuation of the above order and in exercise of the powers under Section 3 (1) of the Foreigners Act, 1966, the Government has decided to suspend the Visa services to Pakistani nationals with immediate effect. All existing valid Visas, except Medical visas, Long Term Visas, Diplomatic & Official visas, issued by Government of India to Pakistani nationals stands revoked with immediate effect from 27th April 2024. Medical Visa issued to Pakistani Nationals will be valid only till 29th April 2025. No new visas will also be issued in this regard. This order will not apply to Long Term Visas (LTVs) and Diplomatic & Official Visas issued to Pakistani nationals. A table indicating the status of visas issued to Pakistani national is given at Annexure.

3. Ministry of External Affairs and Bureau of Immigration are requested to give wide publicity of this Order suitably through their website and take appropriate necessary action for compliance of the order.”

5. It appears that the aforesaid order has been issued by the Government of India in the aftermath of Pahalgam carnage. As a consequence of this order, impugned notice has been issued against the petitioner, who was in India on long term visa after having entered into wedlock with Mohd. Ishtiaq a citizen of India. It appears that long term visa of the petitioner had expired on 25.08.2024 and she had applied for its renewal. It also appears that due to the issuance of the aforesaid order by the Government of India, Ministry of Home Affairs, the petitioner's application for renewal of long term visa, which was initiated by her on 22.08.2024, has not been processed. The impugned notice has already been given effect and the petitioner has been deported to Pakistan. The petitioner through the present petition is in effect seeking a direction that she should be brought back from Pakistan so that she reunites with her husband Mohd. Ishtiaq.

6. So far as order dated 25.04.2025 of Foreigners Division of Ministry of Home Affairs is concerned, the same has been issued in terms of Section 3 (1) of the Foreigners Act. It is a settled law that scope of judicial review in such matters particularly when the decision has been taken by the sovereign Government in the interests of national security is very minimal. It is not within the jurisdiction of this Court to undertake a judicial review of the decision taken by the sovereign Government with regard to non-renewal of visa/deportation of a foreign

national, particularly, when the same has been done in the interests of national security.

7. The Supreme Court in the case of **Hans Muller of Nurembeg. Vs. Supdt. Presidency Jail; (1955) 1 SCR 1284**, has held that the Foreigners Act confers the power to expel foreigners from India. It has been further observed that the said Act vests the Central Government with absolute and unfettered discretion and, there is no provision fettering this discretion in the Constitution, which grants unrestricted right to expel to the Government. Thus, it is not open to this Court to undertake a judicial review of the decision of Government of India to deport the petitioner.

8. Apart from the above, this Court cannot issue a writ which has to be executed beyond the territorial limits of this Country. On this ground also, a direction seeking retrieval of the petitioner who is admittedly a Pakistani national, from within the territory of Pakistan cannot be issued by this Court.

9. In view of the above, I do not find any merit in this petition. The same is dismissed, accordingly.

(SANJAY DHAR)
JUDGE

JAMMU
06.10.2025
Tarun/PS

Whether the order is speaking?	Yes
Whether the order is reportable?	No