



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 20087 OF 2026 (GM-RES)

BETWEEN:

STEPHEN RICHARD FARRELL UK NATIONAL
S/O RONALD
AGED ABOUT 69 YEARS,
RESIDING AT ADDRESS NO. 179,
10TH CROSS, 2ND MAIN, GOKULAM 3RD STAGE,
MYSORE - 570002,
LANDMARK NEAR DOCTORS CORNER.

...PETITIONER

(BY SRI. RAVINDRA BABU G., ADVOCATE)

AND:

1. THE UNION OF INDIA
THROUGH THE SECRETARY,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110001
2. THE UNION OF INDIA,
THROUGH THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK,
NEW DELHI-110 001
3. THE BUREAU OF IMMIGRATION (MHA),
GOVERNMENT OF INDIA,
5TH FLOOR A BLOCK,
TTMC BMTB BUS STAND BUILDING,
SHANTHI NAGAR K.H. ROAD,
BENGALURU 560027

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



4. STATE OF KARNATAKA,
THROUGH THE PRINCIPAL SECRETARY (HOME),
ROOM NO. 222, II FLOOR,
VIDHANA SOUDHA,
BENGALURU 560001
5. THE FOREIGNERS REGIONAL REGISTRATION
OFFICE (FRRO),
BENGALURU,
THROUGH THE FOREIGNERS REGIONAL
REGISTRATION OFFICER,
FRRO, BENGALURU 3.5TH FLOOR A BLOCK,
TTMC BMTC BUS STAND BUILDING,
SHANTHI NAGAR K.H. ROAD,
BENGALURU 560027.
6. THE SUPERINTENDENT OF POLICE (SP) OFFICE,
MYSURU DISTRICT, HYDER ALI ROAD,
KITTUR RANI CHENNAMMA CIRCLE,
JALAPURI, MYSURU - 570019
7. THE DIRECTOR GENERAL OF POLICE,
(DGP) OF KARNATAKA,
STATE POLICE HEADQUARTERS ON THIRUPATHI ROAD,
AMBEDKAR VEEDHI, BENGALURU,
KARNATAKA, 560001
8. V V PURAM POLICE STATION
LOCATED ON TEMPLE ROAD,
VONTIKOPPAL, MYSURU - 570002

...RESPONDENTS

(V/O DATED 6.7.2026;
SRI. RAVINDRA KAMATH., ASG FOR
SRI. SWAMINI GANESH MOHANAMBAL &
SRI. ADITYA SINGH., ADVOCATES FOR R1 TO R3 & R5;
SRI. MOHAMMED JAFAR SHAH., AGA FOR R4, R6 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTICE IN DATED 02/06/2026 NO.
3/FRRO/BOI(BLR)F1/LIN2026-51, PASSED BY RESPONDENT NOS.3
AND 5 AS PER ANNEXURE -K AND ETC.



THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this Court seeking for the following reliefs:

1. Quash the impugned notice in dated 02/06/2026 No. 3/FRRO/BOI(BLR) F1/LIN2026-51, passed by Respondent Nos.3&5 as per Annexure "K";

2. To order Respondents to re-examine the case as per the directions of this Honorable Court and Convert Petitioner's Business Visa into X Visa for a period of one year validity from the date of issuance (not start date) to be extended for a year furthermore from time to time whenever applied by the Petitioner through eFRRO portal;

3. To grant such other relief as deems fit in the circumstance of the case and allow the writ petition with cost in the interest of justice and equity.

2. What is being challenged is the Leave India Notice dated 02.06.2026 issued by respondents no.3 and 5 at Annexure-K.
3. The submission of learned counsel for the petitioner is that the petitioner has been living in India for last 20 years and as such, ought to be permitted to continue to live in India. Admittedly, the petitioner has been in India only on a visa going back and forth between India



and England sometimes on business visa sometimes on tourist visa.

4. There is no vested right for any foreign national to be resident of India or to seek for a visa to be issued and kept operational by the Republic of India. This aspect has been dealt with in detail by this Court in the case of **Mr.Christopher Charles Kamolins vs. Union of India and others**¹ more particularly Paras 17.17 to 17.23, which are reproduced hereunder for easy reference:

17.17. *In matters of immigration control, closely connected with sovereignty and public order, Parliament has not prescribed a mandatory adjudicatory hearing prior to issuance of an order under Section 3(2)(c). In Hans Muller, the Hon'ble Supreme Court did not read such a requirement into the statute.*

17.18. *Where power is preventive and regulatory, particularly concerning non-citizens, fairness may be satisfied through contextual safeguards, including availability of post-decisional representation and judicial review under Article 226. The existence of constitutional oversight serves as a significant check against abuse.*

17.19. *The action must also withstand scrutiny under Article 14. In Shayara Bano v. Union of India, the Hon'ble Supreme Court recognized "manifest arbitrariness" as a ground of invalidation. Manifest arbitrariness denotes capriciousness, irrationality, absence of determining principle, or bad faith.*

17.20. *The Leave India Notice in the present case is traceable to statutory authority, issued by a competent delegate, and aligned with the legislative scheme. There is no material suggesting mala fides, discrimination, or*

¹ WP No.26412/2019 dated 9.2.2026



extraneous considerations. The action does not cross the threshold of manifest arbitrariness.

17.21. *Deportation is universally recognised as an incident of national sovereignty. Visa permission does not confer an irrevocable right to remain; it remains subordinate to statutory power of removal.*

17.22. *Viewed cumulatively, under statutory construction, constitutional doctrine, proportionality analysis, contextual natural justice, and Article 14 review, the Petitioner's contention cannot be sustained.*

17.23. *The Leave India Notice is not an indirect cancellation of the visa. It is a direct exercise of statutory authority under Section 3(2)(c) of the Foreigners Act, 1946. The visa does not create an indefeasible right to remain immune from that power. Articles 14 and 21 are not violated, and Article 19 is inapplicable.*

5. The right to visa and entry into the country have been considered in **Christopher Charles Kamolins**, there is no vested right in any individual to continue to stay in the country. The FRRO has the necessary powers to issue a leave India notice. Once such notice is issued, it is but required for the notice to comply with the same.
6. No grounds being made out, the Writ Petition stands **dismissed**.

Sd/-
(**SURAJ GOVINDARAJ**)
JUDGE

PRS
List No.: 3 Sl No.: 1