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

CNR No. DLHC010408242026

+ **W.P.(C) 12625/2026 & CM APPL. 58535/2026**

HEBER LUIS RAMOS SANTANA AND ORS. Petitioners

Through: Mr. Sumit Kumar, Ms. Samyukta
Dorman, Advocates

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Apoorv Shukla, CGSC with Mr.
Arvind, G.P. and with Ms. Ilashri
Gaur, Advocate for UOI.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **01.09.2026**

1. By way of the present petition, the petitioners are seeking following reliefs:

“...a. Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No. 2 to decide the Petitioners' pending RC/RP applications expeditiously, and in any event within a time frame fixed by this Hon'ble Court;

b. Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent Nos. 1 and 2 to issue a No-Objection Certificate/provisional clearance enabling the Petitioners to depart from India notwithstanding the pendency of their RC/RP applications, without prejudice to the final disposal thereof;

c. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to ensure the safe and dignified facilitation of the Petitioners' departure from India...”

2. Issue notice.



3. Notice is accepted by the learned CGSC appearing for the Union of India.

4. The brief facts, as borne out from the petition, are that the petitioners are foreign nationals and were granted multiple-entry S-1 (Student) Visas by the Consulate General of India, São Paulo, Brazil, on 13.03.2026, valid from 13.03.2026 to 12.03.2027. The visa of petitioner no. 1 also bears an endorsement in favour of the Heritage Institute of Languages, Lucknow, Uttar Pradesh. The petitioners entered India on 30.04.2026 through the New Delhi Airport after travelling from Guarulhos, São Paulo, Brazil. Petitioner nos. 1 to 4 submitted their applications for Registration Certificate/Residential Permit (RC/RP) through the e-FRRO portal on 11.05.2026, while petitioner no. 5 submitted her application on 12.05.2026. It is stated that the applications were submitted within the prescribed period and were accompanied by the requisite documents. During May and June 2026, petitioner no. 1 was called for two personal interviews/interactions by respondent no. 2, during which he furnished the clarifications and documents sought by the said authority. At the conclusion of the second interaction, petitioner no. 1 was verbally informed that the applications were still “under process”. Thereafter, according to the petitioners, no further communication was received from respondent no. 2.

5. It is the case of the petitioners that despite the passage of more than three months from the filing of the applications, respondent no. 2 has neither taken a final decision on the RC/RP applications nor issued any deficiency memo, reasoned order or other communication regarding their status. The petitioners contend that the continued pendency of the applications has



caused them considerable hardship. It is stated that the minor petitioners have been unable to continue their formal schooling and that the petitioners have also faced difficulties in opening bank accounts and obtaining essential services, including home internet connectivity. It is further stated that the petitioners are presently residing in Delhi and are required to return to Brazil on account of their business requirements and the schooling of their children. According to the petitioners, however, owing to the continued pendency of their RC/RP applications and the absence of any clear communication from the concerned authorities, they are facing difficulties in making arrangements for their lawful exit from India.

6. In these circumstances, having allegedly received no final decision or communication from respondent no. 2 despite the lapse of several months, the petitioners have approached this Court seeking the aforesaid reliefs.

7. The learned CGSC appearing for respondent no. 1, at the outset, raises a preliminary objection as to the territorial jurisdiction of this Court to entertain the present petition. It is argued that the substantive reliefs sought by the petitioners are directed against respondent no. 2, i.e., the Foreigners Regional Registration Office (**FRRO**), Lucknow, Uttar Pradesh, which is the authority seized of the petitioners' RC/RP applications. It is contended that the said applications were admittedly submitted by the petitioners before the concerned FRRO through the e-FRRO portal and the subsequent interactions in relation thereto were also with respondent no. 2. Thus, the authority against whom the directions have been sought in the present petition are situated at Lucknow, Uttar Pradesh, and no part of the decision-making process in respect of the pending RC/RP applications is stated to



have taken place within the territorial jurisdiction of this Court. It is, accordingly, submitted that the mere impleadment of respondent no. 1, Union of India, or the fact that the Ministry of Home Affairs is situated in New Delhi, cannot by itself confer territorial jurisdiction upon this Court, particularly when no relief is sought against respondent no. 1 independent of the reliefs sought against respondent no. 2.

8. *Per contra*, the learned counsel for the petitioners argues that respondent no. 1 is the Union of India through the Ministry of Home Affairs, which is situated in New Delhi and falls within the territorial jurisdiction of this Court. It is submitted that the matters concerning registration and residential permits of foreign nationals are administered under the aegis of the Ministry of Home Affairs and, therefore, the presence of the concerned Ministry within the territorial jurisdiction of this Court constitutes a relevant part of the cause of action. It is also argued that similar writ petitions have been entertained in past by this Court.

9. This Court has **heard** arguments on behalf of the petitioners as well as the respondent, and has perused the material on record.

10. In the present case, it is evident that the principal directions sought by the petitioners are against respondent no. 2, i.e. the FRRO, Lucknow, Uttar Pradesh, for deciding their pending RC/RP applications and for facilitating their departure from India. The said applications were submitted before respondent no. 2 and it is also respondent no. 2 which has been dealing with the applications and had called petitioner no. 1 for personal interactions. Thus, the authority principally concerned with the grievance raised in the present petition is situated at Lucknow, Uttar Pradesh.



11. This position is also borne out from the petition itself. The petitioners have stated that they are residing at Trinity Square, Faizabad Road, Lucknow. Further, in the applications submitted before the FRRO, Lucknow, the intended address for their longer stay in India has been mentioned as Rishita Mulberry Heights, Lucknow. Thus, apart from the situs of respondent no. 2, the facts pleaded by the petitioners themselves demonstrate that the relevant events forming the subject matter of the present petition have a substantial nexus with the State of Uttar Pradesh.

12. In these circumstances, the mere fact that respondent no. 1 is the Union of India through the Ministry of Home Affairs and that the concerned Ministry is situated in New Delhi cannot, by itself, be treated as sufficient to confer territorial jurisdiction upon this Court. The situs of the concerned Ministry, in the absence of any independent cause of action arising within the territorial jurisdiction of this Court or any substantive relief requiring adjudication against the said authority at Delhi, cannot be the sole basis for invoking the jurisdiction of this Court under Article 226 of the Constitution of India. As noted above, in the present case, the directions sought are primarily against respondent no. 2, and the cause of action pleaded by the petitioners also substantially arises in the State of Uttar Pradesh.

13. It would be apposite to take note of the following observations of the Hon'ble Supreme Court in ***State of Goa v. Summit Online Trade Solutions (P) Ltd.***: (2023) 7 SCC 791:

“21. Even otherwise, the High Court was not justified in dismissing the interim applications. Assuming that a slender part of the cause of action did arise within the State of Sikkim, the concept of *forum conveniens* ought to have been considered by the High Court. As held by this Court in *Kusum Ingots v. Union of India* and *Ambica Industries*



v. CCE, even if a small part of the cause of action arises within the territorial jurisdiction of a high court, the same by itself could not have been a determinative factor compelling the High Court to keep the writ petitions alive against the appellant to decide the matter qua the impugned notification, on merit.”

14. The Division Bench of this Court in ***Gautam Mondal v. Union of India***: 2026 SCC OnLine Del 191 has held as under:

“16. From the cumulative perusal of the aforesaid precedents, it emerges that the litigant, being *dominus litis*, is entitled to approach the jurisdiction of his choice, where cause of action arises in two or more jurisdictions, however, it is upon the Court's discretion to exercise such jurisdiction, while keeping in mind whether it constitutes an appropriate and convenient forum for adjudication or not.

17. Applying the aforesaid settled legal principles to the facts of the present case, it is evident that both the petitioner and the State Authority (respondent No. 3), on whose report the criminal cases and impugned proceedings were initiated, are situated in the State of West Bengal. The criminal cases forming the predicate offences for issuance of the impugned Detention Order are pending within the territorial jurisdiction of the High Court of Calcutta, and the relevant records pertaining to the petitioner, his alleged criminal antecedents, and the said cases are also located in West Bengal. Furthermore, the petitioner has failed to disclose any cogent reason justifying invocation of the jurisdiction of this Court.

18. In view of the aforesaid discussion, this Court refuses to exercise its discretionary extraordinary jurisdiction, applying the doctrine of *forum conveniens*, and disposes of the present petition with liberty to the petitioner to approach the appropriate Court/forum.”

15. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present petition is not maintainable before this Court for want of territorial jurisdiction.

16. The petition is, accordingly, dismissed on the ground of territorial jurisdiction. Pending application also stands disposed of.

17. Needless to say, the dismissal of the present petition shall not



preclude the petitioners from approaching the High Court of Judicature at Allahabad or any other competent forum, as may be advised, in accordance with law.

18. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 01, 2026/zp
T.D.