

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 15201 of 2015 (A)

PETITIONER(S) :

**ANDREAS LANGBRUGGER, AGED 47 YEARS,
S/O.STEFAN LANGBRUGGER,
HAVING PERMANENT ADDRESS AT VOLKER, TSTR 17, 1020 WEIN,
VIENNA, AUSTRIA, PRESENTLY RESIDING AT TC-67/1628,
BRIGHT ROAD, NEDUMON, KOVALAM,
THIRUVANANTHAPURAM, KERALA - 695 527.**

**BY ADVS.SRI.SHAIJAN C.GEORGE
SMT.SAJITHA GEORGE**

RESPONDENT(S) :

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF HOME AFFAIRS,
NDCC- II BUILDING, JAISINGH ROAD, NEW DELHI- 110 001.**
- 2. COMMISSIONER OF POLICE AND FOREIGNERS REGISTRATION
OFFICER, THIRUVANANTHAPURAM CITY, KERALA - 695 001.**

*** ADDITIONAL R3 & R4 IMPLEADED**

- 3. THE FOREIGNERS REGIONAL REGISTRATION OFFICER (FRRO),
BEING THE SUPERINTENDENT OF POLICE,
BUREAU OF IMMIGRATION, TRIVANDRUM.**
- 4. THE SUB INSPECTOR OF POLICE,
DISTRICT SPECIAL BRANCH, TRIVANDRUM CITY.**

*** ADDITIONAL R3 & R4 ARE SUOMOTU IMPLEADED AS PER ORDER
DATED 26.06.2015.**

**R1 TO R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R4 BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON 16-10-2015 DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE RELEVANT PAGES OF AUSTRIAN PASSPORT BEARING NO.P7025475 ISSUED TO THE PETITIONER.**
- P2: TRUE COPY OF THE MEDICAL VISA EXTENDED FROM 04/07/2014 TO 03/07/2015.**
- P3: THE COMMUNICATION FROM THE 1ST RESPONDENT.**
- P4: THE MEDICAL CERTIFICATE ISSUED BY THE MEDICAL PRACTITIONER UNDER WHOM THE PETITIONER IS BEING TREATED ON 28/03/2015.**

RESPONDENT(S)' ANNEXURES :

- ANNEXURE R2(A): TRUE COPY OF MULTIPLE ENTRY MEDICAL VISA FOR 5 YEARS I.E FROM 05.07.2007 TO 04.07.2012 ISSUED TO THE PETITIONER.**
- ANNEXURE R2(B): TRUE COPY OF THE APPLICATION DATED 14.06.2012 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- ANNEXURE R2(C): TRUE COPY OF MHA REFERENCE NO.KL0300062213 DATED 03.07.2013 OF THE 1ST RESPONDENT.**
- ANNEXURE R2(D): TRUE COPY OF REFERENCE NO.KL03/VEF/AUT/183/2013 DATED 08.07.2013 OF FRRO, THIRUVANANTHAPURAM.**
- ANNEXURE R2(E): TRUE COPY OF THE REPRESENTATION DATED 23.06.2014 PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- ANNEXURE R2(F): TRUE COPY OF REFERENCE NO.KL0300163014 DATED 30.07.2014 OF THE 1ST RESPONDENT.**
- ANNEXURE R2(G): TRUE COPY OF THE REFERENCE NO.KL03/VEF/AUT/710/2014 DATED 08.08.2014.**
- ANNEXURE R2(H): A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.M.R.VIJAYAN DATED 15.03.2013.**
- ANNEXURE R2(I): TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.M.R.VIJAYAN DATED 19.06.2013.**
- ANNEXURE R2(J): TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE FRRO, BOI, TRIVANDRUM BY THE PETITIONER.**

RESPONDENT(S)' ANNEXURES :

**ANNEXURE R2(K): A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY
DR.M.R.VIJAYAN DATED 12.06.2014.**

**ANNEXURE R2(L): TRUE COPY OF THE RELEVANT PORTION OF THE VISA
MANUAL.**

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.15201/2015**  
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Dated this the 16th Day of October, 2015

J U D G M E N T

The petitioner, an Austrian National, initially, arrived in India on a tourist visa on 31/10/2005. Thereafter, he went back and came to India on the strength of a medical visa issued by the Embassy of India for the period from 05/07/2007 to 04/04/2012. This was extended every year by the Ministry of Home Affairs and its validity expired on 04/07/2015.

2. As per para.4(2)(i) of Ext.R2(I) medical visa, the initial period of validity for such a visa may be upto a period of one year or the period of treatment, whichever is less. However, the petitioner was given initial visa for five years, which expired in the year 2012. Thereafter, it was extended for one year, i.e., for the year 2013-14.

3. The petitioner approached this Court aggrieved by the stipulation in Ext.P2, while extending the visa for the period from 04/07/2014 to 03/07/2015, wherein a special endorsement has been made to the following effect:

**“GRANTED LAST AND FINAL EXTENSION OF MEDICAL
VISA BY MHA.”**

4. The petitioner submits that he is entitled for renewal of medical visa as he is undergoing treatment for multiple sclerosis. He further submits that he is under treatment of Dr.Madhava Ramani Vijayan, an Ayurvedic Practitioner.

5. This Court, as per order dated 26/06/2015, directed the Sub Inspector of Police, District Special Branch, Thiruvananthapuram City to conduct an enquiry regarding the credentials of the doctor and the treatment being undertaken by the petitioner and further that the Foreigners Regional Registration Officer to conduct an independent enquiry and to report as to the condition of the petitioner. Both the reports are placed before this Court. The enquiry reports would disclose that the petitioner does not suffer from any serious illness to allow the petitioner to remain in India.

6. This Court need to interfere with the decision of the Authority only when a life of a Foreign National is affected, if he is allowed to travel back to the Foreign country on expiry of the visa. It is for the Ministry to regulate “entry and exit” of a Foreign National from India. This Court cannot interfere with such a decision unless the same would amount to

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threat to the life of the person. The enquiry reports and all other facts clearly indicate that there is no difficulty for the petitioner to travel back to Vienna, Austria.

7. In the above circumstances, this Court is not inclined to extend the time stipulated in the visa. Accordingly, the writ petition is dismissed. However, the petitioner is given time upto 30/10/2015 of this month to remain back. The petitioner shall leave India on or before 30/10/2015. No costs.

8. The Registry is directed to keep the report of the Foreigners Regional Registration Officer in a sealed cover and shall not be released unless and otherwise ordered by this Court.

Sd/ -

A.MUHAMED MUSTAQUE, JUDGE

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