

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION Nos.37893 OF 2014 AND 979 OF 2015

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COMMON ORDER:

Heard Sri Vedula Srinivas, learned counsel for the petitioner and Sri B.Narayana Reddy, Assistant Solicitor General.

The petitioner an Iranian national has filed these two writ petitions for the following reliefs:

W.P.No.37893 of 2014:

“to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions declaring the proceedings of the 2nd respondent dated 1.12.2014 in No.F2/IRN/53/1984-979 as illegal, unreasonable and arbitrary and to issue a consequential direction to the 2nd respondent to act in accordance with law by considering and passing orders on the applications made by the petitioner on 10.12.2012 and 18.12.2013 for extension of Stay Visa, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

W.P.No.979 of 2015:

“to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions directing the respondents to act in accordance with law and to direct the respondents to consider and pass orders on the application of the petitioner for extension of Stay Visa without reference to his business of running Alpha Hotel, Secunderabad, in accordance with the Rules framed under the Foreigners Act, 1946, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

This Court through order dated 10.12.2014 granted interim stay of Leave India Notice dated 01.12.2014 issued to the petitioner. The interim stay is in force as on date. The petitioner filed W.P.No.979 of 2015 praying for Mandamus to direct respondents to act in accordance with law and consider passing orders on the application of petitioner for extension of stay visa without reference to his business/Alpha Hotel, Secunderabad under the Foreigners Act, 1946.

Learned counsel for the petitioner and Sri B.Narayana Reddy, Assistant Solicitor General submit that instead of inviting a decision on the point urged in W.P.No.37893 of 2014, the petitioner can be directed to apply for grant of visa and the respondents are prepared to consider such application, take a decision and communicate the same to the petitioner.

The matter requires reconsideration by the respondents having regard to the singular facts and circumstances of the case. Admittedly the petitioner has been residing on Indian visa for the past few decades. Therefore, the petitioner is given two weeks time from today to apply for grant of visa before the respondents and the respondents are directed to consider the application for grant of visa, take a decision and communicate the same to the petitioner within a further period of two months from the date of receipt of application. Till a decision is taken and communicated to the petitioner, the interim order granted by this Court is directed to be continued. It is needless to observe that the application is considered on its own merits and according to law and extant norms/procedures.

As a fresh application is directed to be filed, it is for the authority to consider and dispose of in accordance with law.

With the above observation, the writ petitions are disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petitions shall stand closed.

S.V.BHATT, J

Date:02.04.2015

Stp

