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

+ W.P.(C) 824/2016

MOHAN LAL SHARMA Petitioner
Through: Ms. Khushboo Arora, Adv.

versus

UNION OF INDIA & ANR Respondents
Through: Mr. Vikram Jetly, CGSC with Mr.
Santosh Kumar Pandey, Govt. Pleader and
Inspector Davinder, OCI Cell, FRRO

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% **01.02.2016**

The present writ petition has been filed seeking a direction to the respondents to grant the Overseas Citizen of India (for short 'OCI') status to Daniel Sharma - grandchild of the petitioner.

Learned counsel for the petitioner states that the petitioner filed W.P.(C) 685/2015 seeking directions to the respondents to issue OCI card but the same was withdrawn on 15th July, 2015 with the liberty to move an application for grant of (X) entry visa before the FROO.

Learned counsel for the petitioner further states that the petitioner approached the FRRO and long term visa was issued to the child till 15th July, 2016.

Learned counsel for the petitioner also states that after obtaining the long term visa, the petitioner approached respondent no.

2 for grant of OCI status but the same was orally denied on the ground that they need a court order for grant of OCI status.

Learned counsel for the petitioner states that the respondents orally denied the OCI card by stating that the parents of the child were not married at the time of birth of the child. She, however, states that the present case is an exceptional one as the guardianship of the minor child is with the parental grandparents of the child.

Learned counsel for the petitioner states that the family court at United Kingdom has held that parents of the minor are unfit to raise the child. She further states that the minor child has no other person who can take care of him and no other place to go to if deported from India.

Learned counsel for the respondents, who appears on advance notice, states that the petitioner's application for grant of OCI status was rejected as the petitioner had not enclosed the extended visa from 16th July, 2015 to 15th July, 2016 which has now been produced at page 84 of the paper book.

Keeping in view the fact that the minor child has a visa which is valid and subsisting till 15th July, 2016, this Court directs the respondents to reconsider the petitioner's application for grant of OCI status within a period of three weeks.

The petitioner and/or his authorized representative is directed to appear before the Inspector Davinder, Incharge of OCI Cell in respondent No. 2's office along with the original documents on 08th February, 2016 at 10 a.m. The said Officer is directed to dispose of the petitioner's application for grant of OCI status, keeping in view

the aforesaid facts, within a period of four weeks.

With the aforesaid directions, the present writ petition stands disposed of.

MANMOHAN, J

FEBRUARY 01, 2016
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