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

+ **W.P.(CRL) 1412/2017**

KRISHAN MOHAN LAL NAYYAR @ MOHD. ALI ALIEVE

..... Petitioner

Through: Mr. Kirti Uppal, Senior Advocate
along with Mr. Jaspreet Singh Rai &
Mr. Amit Sharma, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Ajay Digpaul, CGSC &
Ms.Madhuri Dhingra, Advocate along
with Mr. Ganesh Choubey, ACIO-
I/G, in person, for respondent/ UOI.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
11.05.2017

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Crl.M.A. No. 7797/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1412/2017 and Crl.M.A. No. 7798/2017

Issue notice. Mr. Digpaul accepts notice.

Alieva Sabina and one of her child preferred W.P. (C.) No. 5437/2016
to assail the "Leave India Notice" dated 15.12.2015 issued by the FRRO.

The said notice required Alieva Sabina to leave the country by 31.12.2015. The said writ petition was disposed of by this Court on 02.06.2016 directing the FRRO not to enforce the said “Leave India Notice” and to allow Alieva Sabina to remain in the country till 15.08.2016. The Court specifically directed that she shall “*leave the country within 15 days thereafter, i.e. by 30.08.2016*”. Alieva Sabina did not leave the country in accordance with the said direction.

Now, the present petition has been preferred by the petitioner claiming himself to be husband of Alieva Sabina and the father of three children born to Alieva Sabina. Though there is much to be said about the claim of the petitioner with regard to his marriage with Alieva Sabina, we do not consider it necessary to get into the said aspect.

Alieva Sabina and her children preferred another writ petition being W.P. (C.) No. 10401/2016, which was disposed of on 02.02.2017. She had represented to the Court that she had made a representation for granting extension of Visa for a further period of six months, and also an ‘X’ Category Visa to enable her to visit Uzbekistan and also to take care of petitioner No.4 in India. We are informed that petitioner No.4 in W.P. (C.) No. 10401/2016 was the petitioner in the present petition. The said writ petition was disposed of by a direction to the respondents to consider and dispose of the application of the petitioner Alieva Sabina within a period of two weeks.

Mr. Uppal submits that even though the representation was made, no decision has been communicated to Alieva Sabina and her children, and they have been detained by the FRRO.

Mr. Digpaul, on instructions from Mr. Ganesh Choubey, states that

the representation made by Alieva Sabina has been rejected. He states that the factum of rejection of the representation shall be communicated to Alieva Sabina and the petitioner. Let the same be communicated to the petitioner within two working days.

In view of the aforesaid, we are not inclined to pass any orders in this petition. Dismissed.

It shall be open to the respondents to proceed in accordance with law.
Dasti.

VIPIN SANGHI, J

A.K. PATHAK, J

MAY 11, 2017
B.S. Rohella