

\$~11

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

+ **W.P.(CRL) 49/2018**

LAL BABU LALIT

..... Petitioner

Through: Mr.Kamlesh Kumar Mishra,
Advocate
Petitioner in person.

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through: Mr.Rahul Mehra, Standing Counsel
(Crl.) with Mr.Tushar Sannu and
Mr.Chaitanya Gosain, Advocates
Mr.Bhagwan Swarup Shukla, CGSC
with Mr.Kamaldeep, Advocate for
UOI.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I.S. MEHTA

ORDER

%

08.01.2018

1. A sheaf of papers has been shown to the Court by Mr. Bhagwan Swarup, learned Central Govt. Standing Counsel appearing for Respondents 3 and 4, to whom notice was issued in this petition on 5th January 2018.

2. The said documents contain, *inter alia*, photocopy of the multiple entry 10 year Indian business visa issued to Ms. Vande Kasha Elizabeth, a United States ('US') national, on 26th April 2017 as stamped on her US passport. It further contains a photocopy of a recommendation by the Foreigner Regional Registration Officer ('FRRO') at Chennai proposing that the said US national may be blacklisted under the Grade 'B' category for visa

violation, i.e. being "involved in NGO activities in Pondicherry on holding a business visa". It appears that acting on this recommendation an order was passed by the Ministry of Home Affairs (MHA) which resulted in a Memorandum dated 18th December 2017 being issued by the FRRO, Chennai on behalf of the Bureau of Immigration (BOI), MHA, Government of India, at Chennai stating that the said blacklisting had been recommended.

3. Counsel for the Petitioner pointed out that Ms. Elizabeth, who returned to the U.S. sometime in December 2017, again arrived at Chennai airport on 5th January 2018 but was refused permission to enter past immigration on the basis of the above Memorandum. The Court is now informed that she was, on 5th January 2018 itself, put on a Kuwait Airways Flight KU-344 back to the USA.

4. Learned counsel for the Petitioner states that till date Ms. Elizabeth has not been served with a copy of the said Memorandum dated 18th December 2017. A copy of the documents handed over in Court (except page No.9 which also contains details of other persons belonging to other countries) has been directed to be handed over forthwith by counsel for Respondents 3 and 4 to the counsel for the Petitioner for being furnished to Ms. Elizabeth.

5. The counsel for Respondent Nos. 2 and 3 has also handed over the guidelines for blacklisting of foreigners as contained in Office Memorandum ('OM') dated 19th August 2005, as revised by OMs dated 18th October 2005, 12th April 2013 and 12th March 2014. Copies thereof shall also be forthwith

provided to the counsel for the Petitioner for being furnished to Ms. Elizabeth.

6. In view of the above developments, the question of the Court restraining the Respondents from deporting the aforementioned US national does not arise. It will, however, be open to Ms. Elizabeth to seek appropriate remedies as may be available to her in accordance with law, with regard to the aforementioned Memorandum issued by the BOI blacklisting her.

7. The petition is disposed of.

8. A copy of this order be given *Dasti* to the parties under the signature of the Court Master.

S. MURALIDHAR, J.

I.S. MEHTA, J.

JANUARY 08, 2018

sr