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

+ **W.P.(C) 10336/2018**

BASEL AL MOUSSA ALMATIR Petitioner
Through Mr.Puneet Verma, Adv. with
Mr.Ashish Vaid & Mr.Simranjit
Singh Talwar, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through Mr.P.S. Singh, CGSC with Mr.Rajpal
Sood & Md.Zeenan Ansari, Advs. for
R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.09.2018**

CM No.40324/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) No.10336/2018

3. The petitioner – a national of Syria – has filed the present petition, *inter alia*, praying as under:

- “1. Issue directions in the nature of Mandamus to Respondent 1 and 2 to remove the name of the Petitioner from the Blacklist as the name of the petitioner is being wrongly put by the FRO Pune city without any cogent reason and also issue directions to the Respondent 3 to allow the petitioner admission in the Manav Bharti University, Solan, Himachal Pradesh and continue his education.
2. Issue directions to the police officials of FRO Pune City, Pune and FRO Solan City,

Himachal Pradesh to not to deport the petitioner till the pendency of this petition and also not to arrest the petitioner during the course of this petition.”

4. Admittedly, the petitioner came to India in 2007 on student visa which was valid till 2008. The petitioner took his admission in the Sinhgad College of Engineering, Pune in the month of August, 2008. In between, the petitioner went back to Syria in June, 2008 and returned on a fresh visa. The petitioner states that on 26.11.2013, the petitioner applied for Refugee Card to the United Nations High Commissioner for Refugees (UNHCR) and received the same on 08.07.2014. This Court is informed that it continues to be valid.

5. The Petitioner did not complete his course at the Sinhgad College of Engineering, Pune. According to the petitioner, he could not do so because of various reasons including that he was mentally disturbed and also faced paucity of finances. According to the petitioner, he took a break of two years since he was suffering from mental trauma due to loss of his family at Syria.

5. In 2016, the petitioner applied for extension of visa which was granted till 30.09.2016. Prior to the expiry of the term of that Visa (that is, on 26.09.2016), the petitioner once again applied for extension, however, the same was not granted. The FRRO, Pune had placed the petitioner on blacklist.

6. Petitioner’s grievance is that he had no information that he had been blacklisted and also had no opportunity to contest the same.

7. It is apparent from the averments made in the petition that the

petitioner had been placed in blacklist on account of continuing to reside in India, without pursuing the purpose for which he had sought and was granted the visa; that is, not completing his studies, for which he had initially obtained entry into this country.

8. Concededly, even after expiry of almost 10 years, the petitioner has not completed his course, for which he had initially applied. It is also clear from the above that the petitioner has been residing in this country for the last two years without a valid visa.

7. The petitioner now prays that direction be issued to respondent No.3 (State of Himachal Pradesh) to allow the petitioner admission in Manav Bharti University, Solan to continue his education. However, there is nothing on record to indicate that the petitioner had secured admission in the said college.

8. It is settled law that Article 19(1) of the Constitution of India is only applicable to the citizens of this country. A foreign national has no right to reside and settle in this country under Article 19(1)(e) of the Constitution and, therefore, cannot insist for being granted a visa (see: ***Louis De Raedt v. Union of India: (1991) 3 SCC 554***).

9. In these circumstances, this Court finds no reason to grant the relief as sought for by the petitioner.

10. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 28, 2018/ab