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

+ W.P.(C) 9406/2018 & CM No. 36469/2018

KARTHIK RAJENDRAN Petitioner

Through Mr.V.Hari Pillai, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through Mr.Vikas Mahajan, CGSC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.09.2018

1. The petitioner has filed the present petition, *inter alia*, impugning the direction to blacklist the petitioner thereby restricting his entry into this country.
2. The petitioner is of Indian origin and is a citizen of United Kingdom. The petitioner was a citizen of India. He left this country and shifted to United Kingdom in the year 2005 to pursue his higher studies. His parents and family members are in India and the petitioner has been regularly visiting his relatives in India from 2005 to 2017.
3. The petitioner became a citizen of United Kingdom on 21.06.2017 and he surrendered his Indian passport on 23.06.2017. The petitioner was thereafter, on 01.09.2017, issued an OCI Card bearing No. A2671618.
4. The petitioner travelled from London to Chennai on 17.09.2017 on a e-visa as his OCI Card had not been delivered to him. The petitioner states that on arrival in India on 18.09.2017, he had an argument with the

Immigration Officer who was on duty. He alleges that the officer had talked to him rudely. He admits that he also reacted excessively as he had consumed alcoholic beverages on flight. The aforesaid incident has translated into the petitioner being blacklisted and his entry into India is proscribed.

5. The present petition was taken up on 07.09.2018 and the respondent was directed to file a counter affidavit within a period of one week and also produce all material on the basis of which the petitioner has been denied entry in the country. The respondent has neither filed any counter affidavit nor produced any material indicating the reasons for denial of the petitioner entry in this country. Thus, the averments made in the present petition remained uncontroverted.

6. This Court is, *prima facie*, of the view that proscribing the petitioner's entry into this country on the basis of the incident with the Immigration Officer is unduly harsh and unwarranted. The result of Black listing the petitioner is that he is unable to visit his ailing mother on account of the ban imposed by the respondent.

7. The learned counsel appearing on behalf of the respondent, on instructions, states that recommendation has been made on humanitarian grounds for removing the petitioner's name from the blacklist. The request in this regard has already been forwarded to the Ministry of Home Affairs on 25.05.2018 and on 12.07.2018. He states the petitioner's grievance would be addressed. He further, states that in the meantime the petitioner may apply for a one time Visa to visit his ailing mother and the same would be granted.

8. The petitioner has also tendered an unconditional apology for his

behaviour on 18.09.2017.

9. In view of the aforesaid unconditional apology, the respondent are directed to consider the petitioner's case for issuance of an OCI Card uninfluenced by the said incident of 18.09.2017.

10. In the meanwhile, the petitioner is liberty to apply for a One Time Visa. If such an application is made, the same would be duly processed and subject to the compliances, a One time Visa will be issued to the petitioner.

11. The petition is disposed of in the aforesaid terms. The application is also disposed of.

12. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

SEPTEMBER 25, 2018
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