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

+ **W.P.(C) 13465/2018**

MR. ALEEM HAIDER JONEJO Petitioner
Through: Mr Bharat S. Kumar Advocate.

versus

UNION OF INDIA AND ANR. Respondents
Through: Ms Maninder Acharya, Ld. ASG with
Mr Anurag Ahluwalia, CGSC and Ms
Tejaswita Sachdeva, Mr Harshul
Chaudhary, Mr Sahil Sood and Mr
Viplav Acharya, Advocates with Mr
Amit Narang, Joint Sec., MEA and Dr
Vinod Gaikward, Rep. MEA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.12.2018

CM No.52417/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner (a citizen of Pakistan) has filed the present petition, *inter alia*, praying that directions be given to respondent nos. 1 and 2 to accept the petitioner's application for grant of a medical visa to visit Fortis Hospital at Chennai for medical treatment. The petitioner claims that he is on a life support system and is in urgent need of a lung transplant. He states that this facility is not available in Pakistan and is available only in a few countries including India. In so far as the other countries are concerned, he

states that he is unable to afford the expenses for travelling and treatment in those developed countries. Consequently, the only option of available to him is to avail medical treatment in India. However, his application for medical visa is dismissed without assigning any reason.

4. It is well settled that the decision to grant a visa vests with the concerned authority and this Court would not ordinarily interfere in exercise of such powers.

5. In view of the above, this Court is unable to grant the relief as prayed for. Further, it is relevant to note that Ms Acharya, learned ASG who appears on behalf of the respondents states that rejection letters were served to the petitioner indicating that he can apply afresh.

6. In view of the above, it is open to the petitioner to apply afresh. The petitioner is also at liberty to file a note along with his application for a fresh medical visa indicating his mitigating circumstances. It is clarified that the aforesaid observations does not mean that respondents are required to pass any separate orders in respect of the petitioner's note or give any additional reasons for justifying their decision.

VIBHU BAKHRU, J

DECEMBER 14, 2018
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