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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.16530 of 2017

Gregory Omar Malstead,
Stumpfields,
Buttercombai Village,
Thummanatty Post,
The Nilgiris
Represented by his Power Agent
Mrs.Rebecca Ann Malstead
Stumpfields,
Buttercombai Village,
Thummanatty Post,
The Nilgiris

...Petitioner

Versus

- 1.The Union of India,
rep. by its Secretary,
Ministry of Home Affairs,
Foreigners Division,
Opp. Parliament Road,
Near Jandhar Mandhar,
NDCC-2 Buildings, New Delhi.
- 2.The District Magistrate cum
District Collector,
Office of the Collectorate,
Udagamandalam,
The Nilgiris.
- 3.Principal Secretary to Government,
Public (Foreigners) Department,
Chennai - 600 009.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
The Nilgiris.



5. Assistant Foreigners Regional
Registration Officer (AFRRO),
Office of the AFRRO,
Immigration, ICP Raxaul, Bihar.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents to return the petitioner PIO card No.P.0689035, seized as per the letter dated 19.11.2016 by the 5th respondent on the ground of alleged involvement of the petitioner in Missionary and Conversion/proselytization activity in India and enabling the petitioner to enter/stay in India as per his PIO/OCI status.

For Petitioner : Mr.Muthu Kumar
For M/s.Paul and Paul,
J.Hudson Samuel & Partners

For R1 & R5 : Mr.P.Ayya Swamy

For R2 to R3 : Mr.M.Shahjahan
Special Government Pleader

O R D E R

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to direct the respondents to return the petitioner PIO card No.P.0689035, seized as per the letter dated 19.11.2016 by the 5th respondent on the ground of alleged involvement of the petitioner in Missionary and Conversion/proselytization activity in India and enabling the petitioner to enter/stay in India as per his PIO/OCI status.

2. When the matter has come up for hearing on 30.11.2021, this Court has passed the following order :-

"This Writ Petition has been filed, for the issuance of Writ of Mamdamus, to direct the respondent to return the petitioners PIO card No.P.0689035, seized as per the letter dated 19.11.2016 by the fifth respondent on the ground of alleged involvement of the petitioner in Missionary and Conversion/Proselytization activity in India and enabling the petitioner to enter / stay in India and enabling the petitioner to enter / stay in India as per his PIO / OCI status.

2.When the matter is taken up for hearing today, the learned counsel for the petitioner would



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submit that, a similar Writ Petition was filed by the petitioner's daughter before the Delhi High Court, whereby, initially on 17.12.2018, the respondent stated that the name of the petitioner therein was blacklisted. Thereafter on 22.02.2019, it was stated by the respondent that the blacklisting order against the petitioner therein has been removed on 15.02.2019. Further, by referring the letter dated 24.09.2015, issued by the Ministry of Home Affairs, the learned counsel for the petitioner submitted that the name of the petitioner and his daughter was shown as blacklisted. Thereafter, before the Delhi High Court, it was stated that the name of the petitioner's daughter was removed from the blacklisting order.

3. The learned Counsel appearing for the respondents 1 and 5, seeks time to verify as to whether the petitioner name has been removed from the blacklisted order or not.

4. This Court directs the learned counsel appearing for the respondents 1 and 5, to find out as to whether the petitioner name has been removed from the blacklisted order or not and file a status report on or before 15.12.2021.

Post the matter on 15.12.2021."

In the above order, this Court directed the respondents 1 and 5 to find out whether the petitioner's name has been removed from the blacklisted order or not.

3. Today, after getting instructions from the respondents 1 and 5, the learned counsel for the respondents 1 and 5, has produced a letter dated 17.12.2021 of the 1st respondent addressed to the learned counsel for the 1st respondent, which is extracted hereunder :-

"Please refer to your email dated 16.12.2022 regarding the status report of the petitioner in the case.

2. It is submitted that the name of Mr. Gregory Omar Malstead has been removed from the Blacklist on 13.04.2019 and that he is free to enter India and shall not deviate from the purpose of visa, for which it was issued. It is further submitted that the ban on his entry into India has also been removed.

3. The Hon'ble High Court may be informed



accordingly."

4. In the above letter, it has been stated that the petitioner's name has been removed from the blacklist on 13.04.2019. Further, the letter stated that the petitioner is free to enter India and shall not deviate from the purpose of visa, for which it was issued. It was also stated that the ban against the petitioner to enter into India, has also been removed.

5. The petitioner has filed the present Writ Petition to return the petitioner's PIO card, which was seized due to the reason that his name was in the blacklist by virtue of the order dated 19.11.2016. Now, as could be seen from the letter dated 17.12.2021 extracted above, the petitioner's name was removed from the blacklist and there was no ban in respect of the petitioner's entry in India, there is no impediment for the respondents to return the PIO card to the petitioner. Hence, the learned counsel for the petitioner seeks a direction to the respondents to return PIO Card to the petitioner.

6. In reply, Mr.P.Ayya Swamy, learned counsel appearing for the respondents 1 and 5 also concedes that the petitioner's name has been removed from the blacklist and he is free to enter India.

7. In view of the above submissions and in the light of the Letter dated 17.12.2021, this Court finds that there is no impediment for the respondents 1 to 4 to return the PIO card to the petitioner. Accordingly, this Court directs the respondents 1 and 5 or the authorized officer who deals with the PIO Cards, to return the PIO card to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

sp/jd



To

1.The Secretary,
Union of India,
Ministry of Home Affairs,
Foreigners Division,
Opp. Parliament Road,
Near Jandhar Mandhar,
NDCC-2 Buildings, New Delhi.

2.The District Magistrate cum
District Collector,
Office of the Collectorate,
Udagamandalam,
The Nilgiris.

3.The Principal Secretary to Government,
Public (Foreigners) Department,
Chennai - 600 009.

4.The Superintendent of Police,
Office of the Superintendent of Police,
The Nilgiris.

5.The Assistant Foreigners Regional
Registration Officer (AFRRO),
Office of the AFRRO,
Immigration, ICP Raxaul, Bihar.

+1cc to Mr.Paul & Paul J.Hudson Samuel & Partners,
Advocate SR.No.69088

+1cc to Mr.P.Ayyaswamy, Advocate SR.No.68631

+1cc to the Government Pleader, SR.No.69546

W.P.No.16530 of 2017

KV(CO)
CB(21/01/2022)