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

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Date of Decision: 27th October, 2021

+ **W.P.(C) 12118/2021**

PARMINDER PAL SINGH

..... Petitioner

Through: Mr.Gurinderpal Singh with Mr.Nitin Mangla, Mr.Sidharth Borah, Ms.Jaya Bajpai and Ms.Pujaarchana Talukdar, Advocates

Versus

MINISTRY OF HOME AFFAIRS & ANR.

..... Respondents

Through: Mr.Amit Mahajan, Central Government Standing Counsel for R-1&2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 37839/2021(Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 12118/2021

1. Present petition has been filed seeking the following reliefs:

“(I) Issue a Writ of Mandamus or any other Writ in the nature of Mandamus, directing the Respondents to issue e-visa to the ‘stranded persons’ whose names appear at serial number 13 to 220 in the List Annexure P1 at the earliest and without loss of any further time.

(II) Issue a Writ of Mandamus or any other Writ in the nature of Mandamus, directing the Respondents, to facilitate the evacuation of all the 227 stranded persons (as per List Annexure P1) from Afghanistan to India by way of chartered / special flight(s) currently operating out of Kabul, Afghanistan and/or through any other mode as deemed fit and proper.

(III) Issue a Writ of Mandamus or any other Writ in the nature of Mandamus, directing the Respondents to take up the matter with concerned counterpart and International agencies at the highest level for safe return / travel of stranded persons to India and provide security to them till their evacuation.

(IV) Pass such other order(s) as this Court may deem fit and proper in the facts and circumstances of the present case.”

2. We have heard learned counsel appearing on behalf of the Petitioner, who submits that the persons whose names appear in the list appended as Annexure P-1 to the writ petition, are ‘stranded persons’ in Afghanistan. The persons so mentioned fall in 4 categories viz. (a) Indian citizens; (b) Afghan Nationals of Indian origin, who have been granted E-Visas; (c) Afghan Nationals of Indian origin, whose applications for E-Visas are pending and (d) Afghan Nationals of Indian origin, who do not have a valid passport. It is submitted that directions be issued to the Respondents to facilitate evacuation of all the 227 stranded persons from Afghanistan to India by Chartered/Special Flights.

3. On a pointed query by the Court, learned counsel for the Petitioner is unable to clearly apprise the Court, the source of information on the basis of which the list appended at Annexure P-1 has been prepared. While the Petitioner has placed no material on record to prove the authenticity of the said list and the application/passport numbers mentioned therein, yet looking to the nature of the relief sought as well as the fact that the Petitioner has

preferred two representations, seeking urgent relief from the Respondents herein, we deem it fit to dispose of the petition by directing the Respondents to look into the grievance highlighted by the Petitioner.

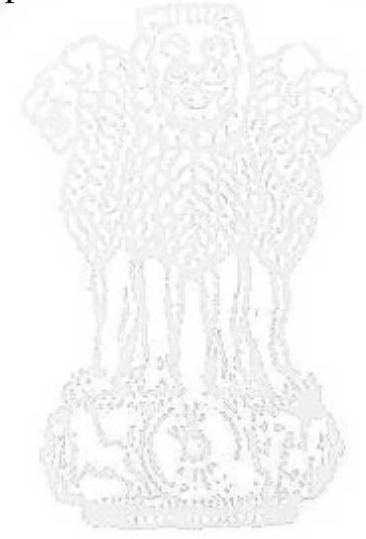
4. It is hereby directed that the representations of the Petitioner, both dated 18.10.2021, annexed as Annexures P-15 and Annexure P-16 respectively to this petition, be decided in accordance with law and Government policies, applicable to the facts of the case expeditiously, looking to the nature of the grievances ventilated.

5. Writ petition is disposed of with the aforesaid observations.

CHIEF JUSTICE

JYOTI SINGH, J

OCTOBER 27, 2021/N



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