



W.P(MD)No.12970 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.06.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD).No.12970 of 2023**

**and**

**W.M.P(MD)No.10978 of 2023**

Micheal Kwaku Yeboah

... Petitioner

Vs

Foreigners Regional Registration Office,  
Bureau of Immigration,  
Ministry of Home Affairs,  
Government of India,  
Sastri Bhavan Annex,  
Chennai 600 006.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order of the Respondent, dated 22.05.2023 and quash the same and further directing the Respondent to extend the petitioner's VISA bearing No.VK9709889.



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For Petitioner : Mr.G.Prabhu Rajadurai,

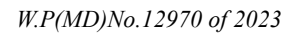
For Respondent : Mr.K.Govindarajan  
Deputy Solicitor General of India

### **ORDER**

This Writ Petition has been filed questioning the order passed under Section 3(2)(c) of Foreigners Act, 1946, dated 22.05.2023.

2.The petitioner is a citizen of Ghana. He had come over to India and had established a Company by name “Awesie Afra Private Limited”, with registered office at Kokatta, West Bengal. The Company has incorporated under the provisions of Indian Companies Act under ROC Kolkatta No. 233209. It was incorporated in the year 2019. The petitioner is one of the Director and his wife is another Director and one Sandip Majumder is yet another Director of the Company.

3.The petitioner had arrived India on 22.04.2021 with a business Visa(B2) issued by the Indian Embassy at Ghana. The Visa Number is VK9709889. It permitted the stay of the petitioner for a period of one year. Then the petitioner settled in Tuticorin and was doing business by importing





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6.The learned Deputy Solicitor General of India raised strong objections by placing reliance under Section 3(2)(c) of Foreigners Act, 1946 and stated that the stay of the petitioner from April, 2022 is illegal and hence, the petitioner has to leave the shores of the Country immediately. It is also stated that the petitioner should not be permitted by this Court to overstay in India, as particularly, even today (ie., 06.06.2023) his stay is illegal.

7.The fact is that the Visa was valid for a period of one year. Even on 22.04.2022, the period of one year had got expired. The petitioner should have made necessary application in proper format for extension of Visa, otherwise, he should have gone back to Ghana and come back to this Country by applying for fresh Visa. It is purely an issue between the Government of India and the Government of Ghana and overstay of another citizen would incur that particular citizen to face penalty and prosecution also. To avoid all these, it is only appropriate that the petitioner voluntarily leaves this country.

8.It is seen that quite apart from the petitioner and his wife, another Indian citizen is also a Director and through him the Company



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operation can be very well taken care. It is also presumed that there are sufficient staff of the Company to look after the business and books of accounts can be verified from the place of the petitioner, namely, Ghana.

9.I am not in a position to pass any favourable order to the petitioner. However, I can only observe that if the business venture of the petitioner is lawful and if he has to come back to this Country and makes an application for Visa, this incidence of overstay that cannot be held as against the petitioner. If a fresh application is filed by the petitioner, it should be considered to the subjective satisfaction of the respondent.

10.With the above reasons, this writ petition stands dismissed.  
No costs. Consequently, connected miscellaneous petition is closed.

**06.06.2023**

NCS : Yes/No  
Index : Yes / No  
Internet: Yes/ No

PNM

**Note: Issue order copy today (06.06.2023)**

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To

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Foreigners Regional Registration Office,  
Bureau of Immigration,  
Ministry of Home Affairs,  
Government of India,  
Sastri Bhavan Annex,  
Chennai 600 006.



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**C.V.KARTHIKEYAN, J.**

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**06.06.2023**