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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 22nd February, 2023

+ W.P.(CRL) 537/2023

PARAS NARSI

..... Petitioner

Through: Mr. Mayank Wadhwa, Mr. Abhishek Wadhwa, Ms. Samidha Jain, Mr. Junaid Qureshi, Ms. Muskan Gupta, Ms. Sristi Raichandani, Mr. Rohit Taneja and Mr. Shekhar Pradhan, Advocates.

versus

UOI & ORS.

..... Respondents

Through: Mr. Mukul Singh CGSC along with Ms. Ira Singh, Advocate for R-1, R-4, R-5 and R-7. Mr. Digvijay Rai and Mr. Archit Mishra, Advocates for R-3. Mr. Sanjay Lao Standing Counsel with Ms. P. Agrawal, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. Notice issued.
2. Learned counsel appearing on behalf of respondents accepts notice.
3. *Vide* the present petition, the petitioner is seeking following relief:

“A) Issue a writ of Habeas Corpus or any other appropriate writ(s), order (s), and direction (s) thereby directing the Respondents to produce the body of Mr Paras Narsi , who has filed the petition, through Sejal Kumar Solanki, before this

Hon'ble court so that he can avail his remedies as per law."

4. Learned counsel appearing on behalf of respondent No.3 submits that since the Delhi Airport is under the control of GMR, therefore, it has no role in the case filed by the petitioner before this Court.

5. As stated in the present petition, the petitioner is of Indian origin. On 02.12.2022 Passport of Republica Portuguesa Passport no. CD 136793 was issued in favour of the petitioner. Thereafter, on 12.01.2023 the petitioner has surrendered the Indian Passport bearing booklet number U 4696945 at Passport Office namely RPO Ahmedabad, stating reason as "*Surrender of Passport due to acquisition of citizen of another country by the Applicant*". On 16.01.2023, the petitioner filed an application for deletion of his Name from the Electoral Roll of I- Daman & Diu Parliamentary Constituency at Part No. 19 Serial No. 274, having Election Card (EPIC) No. PJG3502044, B.I No. 33069462, on the ground of obtaining Citizenship from the other country.

6. On 06.02.2023 the petitioner booked a flight to U.K to meet his Uncle and Aunt, however, the Petitioner was questioned by the Immigration Officer at Heathrow Airport, London and was refused to enter on the ground that the intention for coming to U.K was not clear. Consequently, on 07.02.2023, the Immigration Officer of U.K issued, "*Notice of Refusal of Permission to Enter*" and directed officials for the removal of the Petitioner through Air India Airline bearing No. AI162 from U.K to Indira Gandhi International Airport, India at 13:00 hours, connecting to Air India Flight bearing No. AI817 to S. Vallabh Bhai Patel (AMD) at 04:55 Hours on 08th February, 2023.

7. On 10.02.2023 the petitioner filed an urgent request in U.K to cancel

“removal directions” through a legal firm namely Philip Jones. However, despite his request no favourable action has been taken for the Petitioner. The petitioner stayed from 07.02.2023 till 17.02.2023 at his uncle’s place at U.K and waited for the favourable order but he has been deported to India on 17.02.2023.

8. The case of petitioner is that he has been illegally restrained and detained by the Air India Airline Authority/ Airport Authority of India since his landing on 17.02.2023 in Delhi, India also that he was not allowed to take his connecting flight to Ahmedabad. The petitioner has not been given his luggage and basic human necessities like proper food and bed to sleep. Moreover, the petitioner has been harassed by the Air India officials on the ground that they will implicate the petitioner in false criminal case if he denies to go to Portugal. Also, his SIM card has also been taken by the officials of Air India/ Airport Authority of India.

9. Learned counsel for the petitioner further submitted that on 19.02.2023, the Government of India has issued an E-Visa namely eTourist Visa to the petitioner which is valid till 21.03.2023.

10. Learned counsel appearing on behalf of the respondent on instructions, submits that the eTourist Visa was issued on 19.02.2023, whereas the petitioner entered in India on 17.02.2023. Having no valid document to enter this country he was not allowed to cross the Immigration Post at the IGI Airport, Delhi. He has further submitted that the pre-condition for e-Tourist Visa is that the validity period shall be stamped on the Passport upon arrival, which will be 30 days from the date of entry. The said situation has not arisen for the reason that he was not allowed to cross the Immigration Check Post, as he is not having any valid document to

enter into India.

11. It is not in dispute that the Portugese Passport has been issued from the Portugese office at Goa and the permanent address of the petitioner is mentioned as of Daman and Diu in the Indian Passport and his Date of Birth Certificate is placed on record which establishes that the petitioner was born in India on 26.04.2002 at Daman and Diu. Counsel for the petitioner has informed this Court that having the Portugese Passport, the petitioner has a right to travel to some places in Daman and Diu and Goa and some other places. Moreover, the petitioner has been deported from U.K. to Ahmedabad via Delhi. Therefore, neither the petitioner had any intention to enter Delhi nor the respondents had any business to stop the petitioner at IGI Airport. It is not in dispute that on 17.02.2023, the petitioner did not have any valid Visa to enter India. Since, he was deported from U.K., therefore, he had no opportunity to apply for visa. However, on reaching Delhi, where he has been detained by respondent on 17.02.2023, he applied for Electronic Travel Visa (ETA) and the same was issued on 19.02.2023 which is valid up to 21.03.2023.

12. On the one hand, the stand of the respondent is that without Visa, he cannot enter the Indian territory and not even cross Land Immigration Check Post. Therefore, he has not entered Indian territory. After 19.02.2023 he has ETA, however that is with a pre-condition that entry stamp shall be put on his Passport on presentation of Passport, upto a maximum of 30 days. Neither the petitioner is aware whether stamp put on the Passport nor the respondent has any information. Be that as it may, the petitioner was deported from U.K. to Ahmedabad. The flight in which he was deported from U.K. to Ahmedabad was via Delhi. The respondents have failed to

inform this Court if any criminal case is pending against the petitioner or any offence has been committed by him.

13. It is not in dispute that the petitioner has already paid travel charges from U.K. to Ahmedabad. However, could not reach at destination due to detention by the respondent, which amounts to illegal one. Therefore, the respondent No.2 is directed to arrange a flight for petitioner forthwith at their cost for Ahmedabad.

14. In view of the above, we dispose of the present petition directing the respondents to allow the petitioner to Ahmedabad with all his belongings and documents and on reaching Ahmedabad, the concerned Authority at Ahmedabad may either permit the petitioner to enter India and allow to move at permissible places or take legal action, as permissible under the law. Needless to say that if the petitioner is released and allowed to travel in India at the permissible places, the petitioner shall abide by Law and Rules, failing which the Competent Authority is at liberty to take legal action against him.

15. Accordingly, the present petition is disposed of.

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

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 22, 2023/va