



\$~38

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

Date of decision: 29.11.2023

+ W.P.(C) 12207/2018
SATINDER PAL SINGH

..... Petitioner

Through: Ms.Sima Gulati, Ms.Revati
Gulati & Ms.Diksha Narula,
Advs.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Ms.Shiva Lakshmi, CGSC with
Mr.Govind Sharma, Advs. for
UOI.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner praying for the following reliefs:

*“(1) issue a writ, order or direction in the nature of certiorari directing the respondents to restore his status of overseas citizen of India
(2) set aside the Notice dated 31-03-2017 under Para 6 of the Foreigners Act, 1955 issued to the Petitioner, and
(3) to issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to allow the petitioner to enter the territory of India being an Overseas Citizen of India;”*



2. It is the case of the petitioner that the petitioner is an Indian by origin and had migrated to the Netherlands in the year 1990. He acquired citizenship of the Netherlands in the year 1993. He also holds the special status of an Overseas Citizens of India (in short, 'OCI'), which was granted to him on 08.12.2014. The petitioner claims that he has been visiting India from 2014 onwards, as he has family roots in India with a large number of relatives, friends, and business-related persons in the States of Delhi, Punjab, and Uttarakhand, apart from some other states in the Country.

3. The petitioner is aggrieved as when he landed in Delhi on 30.03.2017, he was stopped by the officials at the airport, and was later deported to Amsterdam, Netherlands on 31.03.2017. He was handed over a notice dated 31.03.2017, issued under Para 6 of the Foreigners Order, 1948, which did not give any reason for his deportation. The petitioner claims that till the filing of the present petition, the petitioner was not informed of the reason for his deportation. It is only in the counter affidavit filed by the respondent no.1, that it is asserted that the petitioner has been placed under Black List Grade 'A' of the Central Blacklist of the Ministry of Home Affairs in terms of the Guidelines for Blacklisting of Foreign National vide Office Memorandum No. 25018/1/2018-F.CC dated 13.11.2018 (hereinafter referred to as the 'Guidelines').

4. The learned counsel for the petitioner submits that a bare reading of the said Guidelines would show that the petitioner is



not covered thereunder. She submits that though some complaints have been received by the respondent no.1 on the working of the Company, that is, BLS International, of which the petitioner was a Country Manager, these complaints were answered by BLS International and, thereafter, no further action was taken by the respondents against BLS International. She submits that, in any case, no formal complaint has been filed by the respondent no.1 against the petitioner nor has any Show Cause Notice been issued prior to taking such a drastic/stringent action against the petitioner.

5. On the other hand, the learned counsel for the respondent no.1 submits that various complaints were received against the functioning of BLS International. The same were investigated by the respondent no.1, and on the recommendation to the Indian Embassy in the Netherlands, the petitioner was placed under the Black List Grade 'A'. She has drawn my attention to the complaints that have been received against BLS International and that were forwarded to the petitioner for the response. She has further drawn my attention to an e-mail dated 16.10.2014 addressed by the First Secretary (Consular), Indian Embassy, to the petitioner, as also the complaint dated 31.07.2015 forwarded by the Counsellor, Indian Embassy, to the petitioner, to contend that the petitioner was also advised to file a complaint with the concerned authorities in case he felt that he was being falsely implicated in the said complaints.

6. I have considered the submissions made by the learned



counsels for the parties.

7. The relevant quotation from the Guidelines that have been relied upon by the respondents for its impugned action, is as under:-

“3) Nature of Offences for which a foreigner can be placed in the Black List:

The Foreigners may be placed in the following four categories of Black List depending on the nature of offence committed:

(a) Black List Grade- 'A'

(i) Foreigners who are convicted on charges of anti-national activities, rape and murder, crime against humanity, terrorist and subversive activity, narcotic crime, human trafficking, racketeering in fake travel document and currency and/or found involved in such offences.”

8. Admittedly, the petitioner has not been convicted of charges of anti-national activities, rape and murder, crime against humanity, terrorist and subversive activity, narcotic crime, human trafficking, racketeering in fake travel document and currency. The best allegation that the respondent no.1 can make against the petitioner is that he is involved in an offence of ‘*racketeering in fake travel document*’. However, admittedly, till date no complaint against the petitioner in this regard has been filed by the respondent no.1 with any investigating agency.

9. Some general complaints made against the functioning of the BLS International have been relied upon by the respondent no.1 in its counter affidavit. The same need not be reproduced in detail inasmuch as they were forwarded to the petitioner and



a response was sought. However, even after the response, the respondent no.1 has taken no action in form of filing of any complaint against the petitioner.

10. In addition, before taking the action of placing the petitioner in Black List Grade 'A', the petitioner was not even issued any notice nor any explanation was sought from the petitioner in this regard. In my view, therefore, the action of respondent no.1 cannot be sustained as it is against the basic principles of natural justice.

11. The counter affidavit also admits that the petitioner continues to enjoy his status as an OCI.

12. Accordingly, the Impugned Notice dated 31.03.2017 is set aside. The decision of the respondent no.1 to place the petitioner in Black List Grade 'A' is also set aside.

13. However, it shall be open to the respondent no.1 to initiate an action against the petitioner, if so advised, in accordance with law.

14. The petition is allowed in the above terms. There shall be no order as to costs.

NAVIN CHAWLA, J

NOVEMBER 29, 2023/rv/AS

Click here to check corrigendum, if any