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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 126/2024 & CRL.M.A. 1060/2024 (Exemption from filing Vakalatnama on behalf of petitioner no. 1)

DIMPLE & ANR.

..... Petitioners

Through: Mr. Tripurari Ray, Mr. Varun Thakur
& Mr. Ramkaran, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Nidhi Raman, CGSC with Mr. Zubin Singh & Mr. Akash Mishra, Advocates for R-1, 3, 4 and 6.
Mr. Digvijay Rai, Mr. Archit Mishra, Mr. Sachin Yadav, AGM (Law) for R-2/AAI.
Mr. Sanjeev Bhandari, ASC (Crl.) for the State with Mr. Kunal Mittal, Mr. Arjit Sharma & Ms. Rishika, Advocates for R-5.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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11.01.2024

CRL.M.A. 1059/2024 (Exemption) & CRL.M.A. 1060/2024 (exemption)

1. Exemptions allowed, subject to just exceptions.
2. The applications are accordingly disposed of.

W.P.(CRL) 126/2024

3. The present petition under Article 226 of the Constitution of India seeks the following prayers:



“a). Direct the Respondent/authority to allow the Petitioner No.1, her husband namely GRANT MICHAEL MCFARLAND, her two childrens namely Kristy and Reuel Grant, to enter in to the Indian Territory and;
b) pass any other order or orders or direction as this Hon’ble Court deems fit and proper in the facts of the case.”

4. Learned Central Government Standing Counsel for respondents no. 1, 3, 4 and 6 on advance notice submits that only the husband of the petitioner no. 1, i.e., Mr. Grant Michael Mcfarland has been blacklisted from entering into the country by the Intelligence Bureau (HQs).

5. Learned counsel appearing on behalf of the petitioners submits that the said department does not have any power to pass such an order and therefore submits that the action in pursuance of the said order is illegal. It is further pointed out that the husband of petitioner no. 1, i.e., Mr. Grant Michael Mcfarland is an OCI (Overseas Citizen of India) card holder.

6. Learned Central Government Standing Counsel has handed up in Court today, an order dated 12.12.2023 in W.P. (C) 12023/2022, passed by a co-ordinate Bench of this Court, wherein a similarly situated petitioner was directed to approach Review Committee challenging the order blacklisting the said petitioner. The details of the Review Committee are as under:

*“Joint Secretary (Foreigners), Ministry of Home Affairs, Dhyan
Chand Stadium, New Delhi
Email id: jsf2-mha@mha.gov.in”*

7. In view of the fact that the husband of petitioner no.1 has been blacklisted, respondent no. 6 is directed to provide the order of blacklisting to the petitioners within a period of one week from today.

8. The petitioners are at liberty to challenge the same before the Review



Committee by way of a representation. Needless to state that the order deciding the representation would be a speaking order. The petitioners will also be entitled to a personal/virtual hearing and the date and time of said hearing shall be intimated at least two weeks in advance to the petitioners. The petitioners are also permitted to be represented through a counsel during the time of hearing.

9. The Review Committee is directed to decide the case as expeditiously as possible preferably within a period of 06 weeks from the date of representation.
10. With the aforesaid directions, the petition stand disposed of.
11. Pending application(s), if any, also stand disposed of.
12. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JANUARY 11, 2024/bsr