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

+ **W.P.(C) 4275/2024**

AMIT

.....Petitioner

Through: Mr. F.A. Ayyubi, Mr. Ibad Mushtaq
and Ms. Akanksha Rai, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Nidhi Ran, CGSC with Ms. Rashi
Kapoor and Mr. Zubin Singh,
Advocates for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.08.2024

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CM APPL. 46455/2024 (for early hearing)

1. The Petitioner seeks early hearing of the petition. Considering the grounds and reasons stated, the application is allowed and with the consent of counsel for the parties, the main writ petition is called on board.

2. Disposed of.

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3. Mr. Amit, the Petitioner has filed the instant petition seeking review and quashing of blacklisting action issued against his wife- Ms. Zakhro Solieva, who is an Uzbek citizen. The Petitioner contends that his wife is not able to come to India from Uzbekistan as the Indian Immigration Authority has denied visa owing to the blacklisting action.

4. The Petitioner states that he solemnized his marriage with Ms. Zakhro



Solieva on 12th November, 2022 as evident from the marriage certificate placed on record. At that time, Ms. Zakhro Solieva was in India on a medical visa. Her visa was extended till January, 2022. During the validity of the visa, she got married to the Petitioner and overstayed in India. Thereafter, she was granted permission to exit on payment of penalty. Complying with the exit permit, she left India on 5th February, 2022 with hope to return, to unite with Petitioner and the family. However, at the immigration desk she was verbally informed that she has been blacklisted and would not be able to return to India, leading to the filing of the present petition.

5. From the counter affidavit filed by Respondents No. 1-3, some pertinent facts have emerged. It has been pointed out as follows:

5.1. The Petitioner's wife Ms. Zakhro Solieva arrived in India on the strength of an Uzbek Passport No. FA0634295 and Indian medical VISA bearing no. VK742044 valid till 25th April, 2021. Her VISA was last extended by the FRRO till 31st January, 2022. After overstaying in India for nearly two years beyond her visa's expiration, she applied for visa services with the FRRO. Based on her application, she was granted an exit permit on 25th January, 2024, requiring her to depart India by 7th February, 2024. She left for her native country on 5th February, 2024. However, due to her two-year overstay, she was blacklisted under the relevant guidelines, with the blacklist period initially set to last until 6th February, 2025.

5.2. Additionally, during Ms. Zakhro Solieva's previous stay in India, she was found using forged visa documents within the jurisdiction of FRRO/Kolkata. The forged visa falsely extended the validity till 30th August, 2022 although the original visa was valid only until 30th January,



2022. This action of the Petitioner's wife was intended to hoodwink immigration/local authorities to avoid penal action. Her blacklisting was subsequently upgraded under the relevant category (Grade A) for this misconduct.

6. Heard. The Court has reservations about the maintainability of the present petition, particularly as to what fundamental right the Petitioner is invoking to seek cancellation of a blacklisting order affecting his spouse, nonetheless, the counsel for the Petitioner has been extensively heard. It has come to light that the Respondents have upgraded Ms. Zakhro Solieva's blacklisting due to her involvement in forging visa documents.

7. Counsel for the Petitioner, states on instructions that Petitioner or his spouse was not aware of any such allegation of forgery. In such circumstances, he would like to withdraw the present petition and seeks liberty to make a representation to the FRRO to clarify their position, and for revocation of the upgraded blacklisting decision.

8. Accordingly, the Petitioner is permitted to make a representation to Joint Secretary, Foreign Division, MHA, which shall be considered on its own merits, in accordance with law.

9. In light of the above, the present petition is disposed of.

10. The next date of hearing fixed, i.e., 11th December, 2024 stands cancelled.

SANJEEV NARULA, J

AUGUST 13, 2024

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