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

+ **W.P.(C) 12855/2024**

**RODNEY FERNANDO TIRADO MOREIRA** .....Petitioner

Through: Mr. Sahil Mongia, Mr. Yash Yadav,  
Ms. Sanjana Samor, Advocates.

versus

**UNION OF INDIA AND ORS.** .....Respondents

Through: Mr. Vijay Joshi & Mohit Joshi,  
Advocate for UOI

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**12.09.2024**

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1. On earlier occasion, when the Petitioner approached this Court through W.P.(C) 2366/2024, the Court passed an order dated 11<sup>th</sup> March, 2024 to the following effect:

*“1. The Petitioner has approached this Court for a direction to restore his e-tourist visa bearing No. I006V0121B20 which is valid from 29.02.2020 to 27.02.2025.*

*2. The Petitioner came to India on 04.03.2020 on e-tourist visa and was to exit from the country on or before 30.09.2020. Due to onset of COVID-19 pandemic, the visa of the Petitioner was extended from time to time and last of the extension expired on 09.06.2021.*

*3. It is stated that the Petitioner was granted exit permits twice, the first one being on 03.11.2021 and the second one on 18.01.2022. Despite the two exit permits, the Petitioner did not exit the country and exited only on 06.10.2022.*

*4. The Petitioner's e-tourist visa has been cancelled on the ground that the Petitioner has overstayed in the country. Learned Counsel for the Petitioner states that the Petitioner has not been given any show cause notice as to why his exit permit should not be cancelled. The Petitioner also relies on the decision of this Court in Mohammad Abdul Moyeed v. Union of India & Ors., W.P.(C) 10587/2016 to contend that every*



*overstay need not result in cancellation of visa or blacklisting. The Petitioner therefore seeks permission to give a representation to the Respondents explaining the facts as to under what circumstances, the Petitioner exited only on 06.10.2022.*

*5. Let the representation be given within a period of six weeks from today and the same be considered as expeditiously as possible in accordance with law.*

*6. With these observations, the writ petition is disposed of along with pending application(s), if any.*

*7. It is made clear that this Court has not made any observations on the merits of the case.”*

2. Pursuant to the aforementioned order, the Petitioner submitted a representation dated 26<sup>th</sup> March, 2024 on which the Respondents were to give their decision expeditiously. According to the Petitioner, till date the said representation has not been decided. Further, the Petitioner through his counsel filed a Right to Information<sup>3</sup> application dated 20<sup>th</sup> May, 2024 seeking the status of the said representation, however, such request was denied under Section 8(1)(j) of the RTI Act, 2005.

3. Mr. Vijay Joshi, counsel for Union of India, states that the Petitioner's case has been referred to a Committee chaired by the Minister of Home Affairs, who decide matters of blacklisting and cancellation of visa. He further submits that the said Committee only convenes a meeting two to three times a year.

4. Be that as it may, the Petitioner's present grievance is that his representation dated 26<sup>th</sup> March, 2024 has not been decided till date. Accordingly, the present writ petition is disposed of with a direction that the Petitioner's case be taken up in the next scheduled meeting of the Committee chaired by the Minister of Home Affairs and the decision thereof be conveyed to the Petitioner.



5. It is made clear that the Court has not examined the merits of the Petitioner's claim as urged in the present writ petition. All rights and contentions of the parties are left open.

6. With the above direction, the present writ petition is disposed of, along with pending application(s).

**SANJEEV NARULA, J**

**SEPTEMBER 12, 2024/ab**