

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO.23943 OF 2025
IN
WRIT PETITION NO.610 OF 2025**

Yachneet Pushkarna

.....Applicant

In the Matter in Between:

Yachneet Pushkarna

.....Petitioner

Vs.

Union of India

Through the Ministry of Home Affairs

.....Respondent

Ms. Armin Wandrewala a/w Mr. Akshay Vani, Mr. Manan Jaiswal and
Ms. Anushka Shetty i/by MLS Vani & Associates, for the Applicant.

Mr. D.P. Singh, Advocate for Respondent No.1.

PI – Pravin Salunke, SB II, FRRO Office, Mumbai, present.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 20TH AUGUST 2025.

P.C.:-

1. By the aforesaid Petition, the Petitioner seeks a direction to the Respondent Authority to quash and set aside the cancellation of Visa granted to the Petitioner's wife-Bianca; a direction to the Respondent Authorities to i) forthwith release Petitioner's wife-Bianca and ii) prohibit Respondent Authority and restrain them from deporting Petitioner's wife-Bianca.

2. By the Interim Application, the Applicant seeks a direction to the Respondent Authority to expeditiously process the Petitioner's wife's Application seeking 'Spouse Visa' and a direction not to take any coercive steps against Bianca and permit her entry in the event she travels overseas.

3. On 6th January, 2025, we passed the following order:-

“ Not on board. Taken on board.

1. By this petition, the petitioner seeks a writ/direction to the respondent-Bureau of Immigration to quash and set aside the cancellation of the Visa of the petitioner's wife-Bianca. The petitioner also seeks release of the petitioner's wife-Bianca forthwith and a direction to restrain the respondent from deporting the petitioner's wife-Bianca.

2. The petitioner and his wife- Bianca are ISKON followers. According to the learned counsel for the petitioner, the petitioner's wife has an Indian e-Visa, validity of which is for 5 years i.e. from 14th November 2022 to 13th November 2027 (Multiple Entry visa). According to the learned counsel for the petitioner on 20th December 2024, the petitioner and his wife got married at the Sri Sri Radha Gopinath Mandir, ISKON. Learned counsel for the petitioner relied on the Certificate of Marriage issued by the International Society for Krishna Consciousness, which is at Exhibit 'A' at page 17 of the petition. Learned counsel for the petitioner further states that pursuant to the petitioner's marriage with Bianca, Bianca is under the process of applying for a 'Spouse' Visa and an OCI card. Learned counsel for the petitioner states that the petitioner's wife prior to her marriage had applied to the Foreigners Regional Registration Offices (FRRO) and

sought an Exit permit from the said office, after disclosing her marriage with the petitioner.

3. Mr. Singh, learned counsel for the respondent states that the petitioner's wife was taken by the Immigration Authorities on her arrival from Vietnam as she had exceeded her stay beyond 90 days contrary to the conditions of Indian e-Visa. He submits that the petitioner's wife had not disclosed of her marriage with the petitioner, pursuant to which she was detained. Learned counsel for the petitioner refutes the said statement made by the learned counsel for the respondent. She states that infact the petitioner and his wife both had informed the authorities of their marriage.

4. Mr. Singh, learned counsel for the respondent seeks time to produce the Rules under which the petitioner's wife has been blacklisted and the Rules applicable to her. Mr. Singh to also produce before us the application made by the petitioner's wife to the FRRO.

*5. Stand over tomorrow i.e. **7th January 2025**. To be listed at 10:30 a.m.”*

4. On 7th January, 2025, a further Affidavit dated 7th January, 2025 was tendered by the Petitioner which was taken on record. Again on 7th January, 2025, learned Special Public Prosecutor informed the Court that the Respondent - Bureau of Immigration had blacklisted Petitioner's wife-Bianca, as she had overstayed in India. Admittedly, no notice was issued to the Petitioner's wife informing her of the same i.e. she was blacklisted. According to Mr.Singh, there is no provision in the Statute / Rules, warranting informing the person concerned of the same.

5. It is not in dispute that the Petitioner's wife-Bianca was not informed at any stage that she was blacklisted by the Respondent – Authority. It appears that for the Petitioner's wife's for her overstay in India had paid a penalty of Rs.10,000/- to the Authority. It also appears that the Petitioner's wife-Bianca has applied for 'Spouse Visa' which we are informed is pending before the Authority.

6. It is also not in dispute that the Petitioner's wife's Visa issued by the Authorities, is a multiple entry Visa, valid upto 2027.

7. *Vide* order dated 6th January, 2025 we had directed release of the Petitioner's wife-Bianca who was detained by the Respondent Authorities, as she was blacklisted due to her overstay in India. It appears that Petitioner's wife-Bianca intends to travel to the USA from 31st August, 2025 to 23rd September, 2025.

8. Learned Advocate for the Petitioner submitted that the Petitioner's wife-Bianca would make an appropriate Application to the Ministry of Home Affairs, Foreigners Division, New Delhi, for removal of her name from the blacklist within a period of 7 days from the date of uploading of this order. The said application if made to the concerned Authorities within the stipulated time shall be decided by

the Authorities within a period of 12 weeks thereafter i.e. 12 weeks from the date of receipt of the Application and accordingly, the decision on the said application be communicated to the Applicant herein.

9. Considering that the Petitioner's wife-Bianca has a multiple entry Visa which is valid upto 2027 and since she has paid penalty of Rs.10,000/- for her overstay and since the Petitioner's wife will be making an application to the authorities as stated aforesaid, we permit the Petitioner's wife-Bianca to travel to the USA during the period of 31st August, 2025 to 23rd September, 2025. Petitioner's wife-Bianca shall not be detained on the airport for the reason that she has been blacklisted, on her return from USA.

10. With the aforesaid directions, the Interim Application as well as Writ Petition stand disposed of.

11. We make it clear that we have kept all contentions of all parties on merits open.

12. All the parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)