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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2453/2025**
ISSIFOU MAMAPetitioner

Through: Mr. Dipak Raj, Mr. Md. Rashid, Mr.
Md. Shamim, Mr. Kuldeep Mishra,
Mr. Garima Kumar, Adv.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Rohan Jaitley (CGSC), Mr. Dev
Pratap Shahi, Mr. Varun Pratap Singh,
Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **27.02.2025**

1. The petitioner assails a communication dated 11.10.2024 passed by the respondent no.2 whereby the application of the petitioner for permitting him to enter into India was rejected. Prior to filing of the present petition the petitioner had invoked the jurisdiction of this Court being W.P(C) No. 10614/2024, raising identical grievance/s.

2. The aforesaid writ petition was disposed of *vide* order dated 13.09.2024, *inter alia*, directing as under:-

"1. The Petitioner, a citizen of Republic of Benin, is aggrieved by his blacklisting, thereby restricting his entry into India without providing any reasons for the same.

2. Counsel for Petitioner has presented the following facts and contentions:

2.1. On 10th May, 2019, the Petitioner was issued a business visa for entry into India which was valid up to 09th August, 2019. Petitioner was due to apply for the extension of his visa, however, due to the outbreak of COVID-19, this extension was not sought.

2.2. Thereafter, on 07th April 2021, he obtained his exit permit and he left India on the said date.



2.3. *On account of losing his old passport, Petitioner applied for Indian e-Visa with his new passport, however, the same was rejected and no reasons for the same were provided. Upon approaching the High Commission of India Office in Lagos, he was informed that he had been blacklisted but this time again, he was not informed of any details as to the duration of the said blacklisting or the reasons for the impugned action.*

2.4. *Since, Republic of Benin recognizes dual citizenship, Petitioner reapplied for the grant of Visa on the passport issued to him by another*

country – Côte d'Ivoire which was granted to him having one year validity on 20th December, 2023. On the basis of this Visa, the Petitioner travelled to Mumbai on 26th December, 2023 where he was stopped by the immigration officers and deported back to his country.

2.5. *Aggrieved by the same, Petitioner made two representations dated 22nd March, 2024 and 25th March, 2024 to the Ministry of Home Affairs and Ministry of External Affairs requesting to remove his name from the blacklist and permit his entry into India. Subsequent reminders were also sent to President of India and the Prime Minister of India, but to no avail.*

2.6. *In this background, Petitioner submits that he has been blacklisted without adhering to the principles of natural justice as he was neither given any pre-decisional hearing nor any reasoned decision regarding the grounds of his blacklisting. He states that the only information provided to him is that he has been blacklisted. As a result, he has been deprived from seeking entry into the country. Hence, the Petitioner seeks a direction to Respondent No. 2 to pass a well-reasoned order after affording a personal hearing to him and on considering Petitioner's representation dated 22nd March, 2024.*

3. *The Court has considered the facts and contentions of the parties.*

4. *Without going into the question of maintainability of the present petition, it is noticed that the Petitioner's representations dated 23rd March, 2024 and 25th March, 2024 have not been decided.*

5. *Thus, without going into the merits of the case, the Respondents are directed to consider the Petitioner's representations, in accordance with law and inform the decision so rendered to the Petitioner.*

6. *All right and contentions of the parties are left open.*

7. *In case the decision rendered is adverse to the Petitioner's interest, he shall be at liberty to assail the same, in accordance with law.*



8. *The present petition, along with pending applications, if any, is disposed of.*”

3. The impugned order is stated to have been passed by respondent no.2 purportedly in compliance with the directions contained in the aforesaid order. However, a perusal of the impugned order reveals that the representation of the petitioner has been rejected in a cryptic and mechanical manner without addressing various issues/contentions raised by the petitioner.

4. During the course of arguments, learned counsel for the respondent relies upon a judgment of the Division Bench of this Court in *Union of India vs Savitha Kumar*, 2019 SCC OnLine Del 12533 on the basis of which, it is contended that there is no need of any prior notice in case of blacklisting of a foreign national. He further submits that the legal position is well settled and the respondent is not obliged to give reasons or even follow the principles of natural justice prior to blacklisting of a foreign national.

5. The above aspects do not prevent the respondents from passing a self contained order, also explicitly stating (if so warranted) that it is not considered apposite to provide any reasons in support of the rejection of the petitioner’s representation.

6. In the circumstances, after some hearing, the present petition is disposed of with a direction to the respondent/s to pass a self contained order in compliance with the directions contained in the order dated 13.09.2024. Let the same be done within a period of four weeks from today.

7. The present petition is disposed of in the above terms.

8. In case, the petitioner is aggrieved with the outcome of the aforesaid exercise, he shall be at liberty to avail appropriate remedies, as may be



permissible under law.

FEBRUARY 27, 2025/uk

SACHIN DATTA, J