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

+ W.P.(C) 3251/2025
AMIT

.....Petitioner

Through: Mr. Rahul Ranjan Verma, Mr. Ajay
Tiwari and Mr. M.K. Upadhyay,
Advts.

versus

UNION OF INDIA & ORS.
Through:

.....Respondents

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
17.03.2025

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CM APPL. 15290/2025 – Exemption

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 3251/2025

3. At the outset, attention is drawn by the respective counsel to the order dated 13.08.2024 passed in a previous writ petition filed by the petitioner, being W.P. (C) 4275/2024. The same reads as under:-

“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 twoyear 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.”

4. The limited grievance raised by the petitioner is that its representation submitted to the Joint Secretary, Foreigners-I Division, Ministry of Home Affairs, Government of India has not been decided despite directions passed by this Court in the aforesaid order.

5. Learned counsel for the respondent submits that the representation of the petitioner is under consideration and is being processed as per existing guidelines.

6. In the circumstances, the respondent is directed to decide the representation of the petitioner expeditiously, preferably within a period of 8 weeks from today under intimation to the petitioner. If considered apposite, the respondent shall also grant a personal hearing to the petitioner before deciding the said representation.

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

SACHIN DATTA, J

MARCH 17, 2025/at