



\$~SB~2 (Appellate Side)

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

+ **W.P.(C) 13259/2025**

AMJAD HUSSAIN

.....Petitioner

Through: Mr. Aditya Aggarwal, Mr. Ankit
Mutreja, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Amit Tiwari (CGSC), Mr. Ayush
Tanwar, Ms. Ayushi Srivastava, Mr.
Arpan Narwal, Mr. Kushagra Malik,
Advocates for R-1/UOI.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

14.11.2025

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1. This matter has been listed before this Bench, pursuant to orders of Hon'ble the Chief Justice.
2. Notice was issued on 29th August 2025, which is reproduced as under for ready reference:

*“1. This petition has been filed assailing the impugned order No. 6273/567/25 dated 11th July 2025, passed by the Foreigners Regional Registration Officer ('FROO').
2. By the impugned order, movement of the family members of the petitioners namely Sons (petitioner Nos.1-2), daughters (petitioner nos. 3-4) and grandsons (petitioner nos.5-6) have been restricted to Sewa Sadan, Shahjada Bagh, Sarai Rohilla, Delhi on the ground that they are illegal migrants from Bangladesh and have failed to provide any suitable reason or supportive documentations to justify their illegal entry/overstay in*



India.

3. *Mr. Aditya Aggarwal, appearing on behalf of petitioner states that the said persons were detained on 09th July 2025, without affording them any hearing whatsoever or giving them an opportunity to place their documents.*

4. *To this, Mr. Amit Tiwari, CGSC states that the documents were duly taken and verification was carried out and as per their verification including from the Embassy of Bangladesh, these are all Bangladeshi citizens.*

5. *Mr. Aggarwal, however, states that they have Indian Passports and other identification cards which they have had an opportunity to provide to the respondent.*

6. *Mr. Tiwari, however, states that they are in the process of cancelling the Indian Passport, which has been obtained, as per the FRRO, through misrepresentation.*

7. *Upon a query put to Mr. Tiwari, regarding the basis for the petitioners' detention, he pointed out to the impugned order, which directs their detention as per Section 3 (2) (e) of the Foreigners Act 1946.*

8. *In response, Mr. Aggarwal points out that Section 3(2) (e) provides various options which are particularized under sub clause (i) to (ix), and no reasons have been given in the said order as to why this specific detention option has been preferred over the other options. He relies on the decision of Single Bench of this Court in **Emechere Maduabuchkwu Vs. State NCT of Delhi and Ors.**, 2023:DHC:3872, where this aspect had been considered.*

9. *Mr. Tiwari, shall take instructions in this matter and revert to the Court on the next date of hearing with complete instructions.*

10. *Mr. Tiwari, also seeks to file a status report along with certain documents in a sealed cover for perusal of the Court. He contends that the documents submitted by the petitioners themselves demonstrate that they are*



illegal migrants.

11. List on 02nd September 2025.”

11. Pursuant to same, *Mr. Amit Tiwari*, CGSC, has presented a Status report, a copy of which has been given to *Mr. Aditya Aggarwal*, counsel for petitioners.

12. Contention on behalf of the State is that the petitioner and family members, for whom he pleads, are aggrieved with their detention in *Sewa Sadan, Shahjada Bagh, Sarai Rohilla, Delhi*, as illegal migrants holding Bangladesh Passport, and who were detained and directed to be in the Restriction Centre till action for deportation is taken.

13. To the contrary, *Mr. Aditya Aggarwal*, counsel for petitioners, states that they have documents appended with the petition to demonstrate that they are Indian citizens holding Indian passports and Indian identity documents, but have not been given any opportunity for these documents to be considered by the Foreigners Regional Registration Officer (*‘FRRO’*).

14. In these circumstances, the petition is disposed of with the direction that present Writ Petition itself, along with its documents, be treated as representation to be looked into and properly assessed by FRRO, in context of the plea taken by *Mr. Aditya Aggarwal*, counsel for petitioner, and recorded in order dated 29th August 2025. The said documents of the petitioner and detained family members shall be assessed, and a decision in writing shall be taken within a period of two weeks, which shall be supplied to the petitioner’s counsel.

15. Considering that documents, presented by petitioner for family members, have to be verified as part of this process, the FRRO is directed to call the family members and give them a personal hearing for the purpose of



verification. The names of the family members are as under:

- i. *Akram Hussain* (Son) aged about 25 years.
- ii. *Ashraf Hussain* (Son) aged about 24 years.
- iii. *Fahmina Khatoon* (Daughter) aged about 23 years.
- iv. *Farha Khatun* (Daughter) aged about 16 years.
- v. *Mohd. Ali s/o. Salman* (Grandson) aged about 2 years.
- vi. *Mohd. Humza S/o. Salman* (Grandson) aged about 8 months.

16. Needless to state the minor children will be accompanied by their guardian. Family members can be also accompanied by *Mr. Aditya Agarwal*, counsel for petitioner. *Mr. Amit Tiwari*, CGSC states that the date, time and venue for interaction will be communicated to *Mr. Aditya Aggarwal*, counsel for petitioner, in advance, in order that there is no inconvenience caused.

17. Liberty is granted to the petitioner to seek legal remedies against the final decision of FRRO in accordance with law.

18. It is informed that another petition being ***W.P.(C) 10589/2025*** filed by the same petitioner is listed before the Roster Bench on 19th February 2026.

19. It is made clear that the Court has not examined the merits of the matter and all the pleas canvassed in this petition shall remain open to the petitioner to assert in any subsequent/other petition/s.

20. Petition stands disposed of with aforesaid directions.

21. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 14, 2025/ak/tk