S/L 13
07.10.2026
Court. No. 25
Sourav

WPA 25651 of 2026

Sri Prodip Bose
Vs.
The Union of India & Ors.

Mr. Sudip Patra
Mr. Prem Prakash
Mr. Sourav Singh
Ms. Shruti Jain

... for the petitioner.

Mr. Kumar Jyoti Tewari, Sr. Adv.
Md. Shakil

... for the Union of India.

Mr. Rivu Dutta
Mr. Rhitam Chatterjee

... for the respondent no. 4.

1. The petitioner has filed the present writ application praying for consideration of the representation submitted through learned advocate on September 5, 2026 for allowing the wife of the petitioner and his minor son to enter into India.

2. The petitioner is an Indian national. He had married to a Bangladeshi national. After the marriage with Smt. Srabonti Chowdhury, the wife used to visit India through X-1, visa. The last visa was granted to the wife of the petitioner on September 25, 2025 till September 24, 2026. The wife of the petitioner and the minor son went to Bangladesh in the month of April, 2026. When the wife of the petitioner along with the son were returning from Bangladesh to India, the wife of the petitioner has been refused to enter India due to immigration reason on August 23, 2026.

3. Learned counsel for the petitioner submits that the petitioner has married the Bangladeshi national and the

wife has obtained the X-1 visa for multiple entry and sometime she resides in Bangladesh and sometime she resides in India. He submits that when the wife along with the minor son was returning from Bangladesh to India on August 23, 2026, the immigration department has refused entry to the wife of the petitioner along with her son without any reason and not given any opportunity of hearing why the entry of the wife of the petitioner has been refused.

4. The petitioner has made a representation to the authorities through the learned advocate for allowing the wife and the minor son of the petitioner to enter India and the same has not been considered and the petitioner has filed the present writ application.

5. Learned counsel appearing for the respondent authorities has submitted report on September 25, 2026 and brought to the notice of this Court that the wife of the petitioner namely, Srabonti Chowdhury is a Bangladeshi national holding passport which is valid from September 8, 2022 to September 7, 2027. She is having the Indian Visa (X-1, spouse based visa) and the validity was till September 24, 2026.

6. The authorities find that the wife of the petitioner is a Bangladeshi national but she has obtained Indian documents, namely, Indian Voter Identity Card (EPIC No. ANS2334423), Indian Aadhar Card (No. 290112263855), PAN Card (No. BFBP4715B) by way of fraudulent means. The authority finds that the wife of the petitioner was allowed to enter India with an X-1 visa as she has married to an Indian national but during her

stay, she has procured Indian documents by ways of fraudulent means and committed an offence and as such, the authorities have refused to allow the wife of the petitioner to enter into India.

7. Learned counsel for the respondent authorities draws attention of this Court to Section 7 of the Immigration and Foreigners Act, 2025 and submits that as per the said provision, the authorities have the power to restrict any foreigner to enter into India and the authorities find that the wife of the petitioner has obtained Indian documents fraudulently though she is the Bangladeshi national, the authorities refused to allow the wife of the petitioner to enter into India.

8. Heard the learned counsel for the respective parties. Perused the materials on record.

9. Admittedly, the wife of the petitioner is a Bangladeshi national and the petitioner being the husband is an Indian national and in the marriage, a male child was born. The wife of the petitioner is residing in India under the X-1 visa on the basis of the spouse category. In the month of April, 2026, the wife along with her minor son went to Bangladesh. When she was returning from Bangladesh on August 23, 2026 the immigration authorities refused the wife of the petitioner to enter India on the ground that the authorities came to know that the wife of the petitioner has obtained Indian documents fraudulently knowing that she is the Bangladeshi national.

10. Section 7 of the Immigration and Foreigners Act, 2025 reads as follows:

> *"7. **Power to issue orders, directions or instructions***
>
> *(1) The Central Government may, by an order or direction or instruction, make provisions, either generally or with respect to all foreigners or with respect to any particular foreigner or any specified class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into India or, their departure therefrom or their presence or continued presence therein."*

11. Section 7 provides that the officers of the Central Government can restrict the entry of the foreign national to enter into India. In the present case, the authorities have restricted the wife of the petitioner to enter India as the wife of the petitioner during her stay in India under the X-1 Visa on the basis of the spouse category has fraudulently obtained Indian documents i.e., Voter Identity Card, Aadhar Card, PAN Card.

12. Considering the above, this Court finds that the authorities have rightly refused the wife of the petitioner to enter India. This Court also finds that the visa granted to the wife of the petitioner has also expired on September 24, 2026 and the wife of the petitioner has not applied for extension the visa.

13. In view of the above, **WPA 25651 of 2026** is dismissed.

14. There shall, however, be no order as to costs.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)