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

\# **DLHC010489462026**

\+ W.P.(CRL) 3212/2026 & CRL. M.As. 31881/2026, 31882/2026 & 31985/2026

SMT. MITU SAHA THROUGH SH. SUMIT SAHA NEPHEW OF THE MITU SAHA .....PETITIONER

Through: Mr. Amit Gupta, Sr. Adv. with Mr. Gaurav Kochhar, Mr. Prateek Mehta, Ms. Muskan Nagpal, Ms. Saumya M Tripathy & Ms. Megha Metha, Advs.

versus

UNION OF INDIA & ORS. .....RESPONDENTS

Through: Mr. Mukul Singh, CGSC with Mr. Aryan Dhaka, Adv. with Mr. Satish Kumar, Inspector for R1, 2, 3 & 7.
Mr. Amol Sinha, ASC with Mr. Nitish Dhawan, Mr. Kshitiz Garg & Mr. Ashvini Kumar, Advs. for R4 & 6.
Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan & Mr. Gourav Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MS. JUSTICE SHAIL JAIN

O R D E R

% 09.10.2026

1. This writ petition in the nature of habeas corpus is filed seeking direction to respondents to produce the petitioner/Mitu Saha w/o Uttam Kumar Saha before this court and to set her at liberty forthwith.

2. The brief facts as pleaded are that the petitioner is an Indian Passport

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holder and her marriage was registered on 09.07.2013. Entry visa was issued by Sultanate of Oman on 17.10.2014 on the Indian Passport of the petitioner. The grievance raised is that the petitioner on 18.09.2026 was stopped at immigration counter at T-3, IGI Airport, New Delhi and was not allowed to proceed to Muscat by Oman Air Flight (WY-246) departing at 17:00 hrs.

3. Learned senior counsel for the petitioner submits that the petitioner has been shifted to Detention Centre, Renn Basera, Daya Basti, Delhi without serving an order. Further contends that the detention is illegal as the petitioner if has been arrested for an offence under the Immigration and Foreigners Act, 2025, (for short 'the Act'), the provisions of BNSS, 2023 shall apply and the ground of arrest should be communicated to the petitioner. The submission is that on suspicion that the petitioner is a foreigner the detention was made without making any determination or providing an opportunity of hearing.

4. Learned counsel for the respondents appearing on advance notice produced the Restriction Order dated 18.09.2026 vide which the Foreigners Regional Registration Officer, Delhi, exercising power under Section 7 sub-section (2) clause (f) sub clause (ii) & (iii) of the Act read with Paragraph 8 of the Immigration and Foreigners Order, 2025, has detained the petitioner and restricted the movement of the petitioner except with the written permission. It is stated that this order was served upon the petitioner.

5. Learned senior counsel for the petitioner contends that there are no instructions of service of the Restriction Order upon the petitioner.

6. Learned counsel for the respondents undertake to supply a copy of the Restriction Order to learned senior counsel for the petitioner today itself.

7. In view of the Restriction Order, no further order is required to be

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passed at this stage and the petition is disposed of.

8. Needless to say that the petitioner shall be at liberty to avail remedies in accordance with the law against the restriction order.

AVNEESH JHINGAN, J

SHAIL JAIN, J

OCTOBER 9, 2026
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