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

% ***Date of Decision: November 03rd, 2026***

\# **CNR No. DLHC010530922026**

\+ **W.P.(C) 16300/2026 & CM APPL. 76366/2026**

STEPHEN GARY CHARD .....Petitioner

Through: Mr. Kartikeya Rastogi & Mr. Joe Sebastain, Advs.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Rukmani Bobde, CGSC with Mr. Varun Pratap Singh, GP & Mr. Vinayak Aren, Ms. Aishwarya Nigam, Advs. for UOI.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. By way of the present petitioner, the petitioner seeks the following prayers :

> *"a) Direct the Respondents to inform the Petitioner, Mr. Stephen Gary Chard (British Passport No. 548114290), whether his name has been placed on any blacklist, watchlist, or entry-restriction list, and if so, to disclose the specific reasons and grounds, the date of commencement and the period for which such restriction shall remain in force;*
> *b) Allow the Petitioner to apply for a business visa and the said application may be decided by the Respondents in a timely manner;*
> *c) Pass any other Order, direction that this Hon'ble Court deems fit and proper qua the facts and circumstances of the present Case in the best interest of justice."*

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2. It is the case of the petitioner that his e-Business Visa application was rejected on 07.09.2026 without assigning any specific reason, save for indicating that he may be eligible for a regular visa. Pursuant thereto, the petitioner applied for a regular One-Year Multiple-Entry Business Visa before the High Commission of India, London, on 10.09.2026, however, upon collection of his passport after processing, no visa had been granted, nor was any reason for the same communicated to him. It is contended that, upon personally approaching the High Commission of India, London, to enquire about the status of his application, he was orally advised not to return to India, without being provided any further information or clarification.

3. The petitioner apprehends that he may have been placed on a blacklist or subjected to an entry restriction by the Indian authorities, although no such order or restriction has ever been communicated to him. He contends that, despite holding a valid five-year e-Tourist Visa, he is unable to travel to India in view of the apprehension that he may be denied entry upon arrival. The petitioner, therefore, seeks directions to the respondents to disclose his blacklist or entry-restriction status, if any and to decide the petitioner's business visa application in a timely manner.

4. It is pertinent to note that the petitioner is a foreign national. It is well settled that fundamental rights of a foreigner are confined to Article 21 of the Constitution of India in relation to life and liberty and do not include the right to reside and settle in this country. Reliance in this regard is placed upon the judgment in ***Louis De Raedt v. Union of India*** **: 1991 (3) SCC 544** where the Hon'ble Apex Court held as under:

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> *"13. The next point taken on behalf of the petitioners, that the foreigners also enjoy some fundamental rights under the Constitution of this country, is also of not much help to them. The fundamental right of the foreigner is confined to Article 21 for life and liberty and does not include the right to reside and settle in this country, as mentioned in Article 19(1)(e), which is applicable only to the citizens of this country. It was held by the Constitution Bench in Hans Muller of Nurenburg v. Superintendent, Presidency Jail, Calcutta [(1955) 1 SCR 1284 : AIR 1955 SC 367 : 1955 Cri LJ 876] that the power of the government in India to expel foreigners is absolute and unlimited and there is no provision in the Constitution fettering this discretion. It was pointed out that the legal position on this aspect is not uniform in all the countries but so far the law which operates in India is concerned, the executive government has unrestricted right to expel a foreigner. So far the right to be heard is concerned, there cannot be any hard and fast rule about the manner in which a person concerned has to be given an opportunity to place his case, and it is not claimed that if the authority concerned had served a notice before passing the impugned order, the petitioners could have produced some relevant material in support of their claim of acquisition of citizenship, which they failed to do in the absence of a notice."*

5. The issuance of a visa/ refusal of entry/ granting clearance of immigration is a sovereign function of the State that is embedded in considerations of national security, foreign policy and administrative discretion. The petitioner, being a foreign national, cannot claim any right to issuance of visa or entry into this country.

6. It is also pertinent to note that the present petition has been filed merely on the apprehension that the petitioner may have been blacklisted from entering into this country and would be denied entry if he travels using his e-tourist visa.

7. As noted above, there is no inherent or legally enforceable right of a foreign national to seek entry into India. It is trite that the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India can be invoked only where there is a violation of

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a right. In the very dearth of any right, no writ can be issued.

8. Consequently, since the petitioner has not been able to establish that any right vested in him has been infringed, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India.

AMIT MAHAJAN, J

NOVEMBER 3, 2026
"SK"

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