



2026:DHC:238



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

Date of decision: 09th January, 2026

+ W.P.(CRL) 3944/2025

OBINNA THEODORE ONEYENTOPetitioner

Through: Ms. Vinita Raghav and
Ms. Priyanka Prajapati,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjay Lao, St. Counsel
with SI Narendra Kumar,
P.S.Maidan Garhi for the State.
Ms. Pratima N. Lakra, CGSC
with Ms. Aditi Singh, GP, Mr.
Chanakya Kene and Ms. Mansi
Aggarwal, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

RAVINDER DUDEJA, J. (ORAL)

1. The present Writ Petition has been filed under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure ["Cr. P.C."], seeking issuance of a writ in the nature of Habeas Corpus for release of the petitioner from the alleged illegal detention at the Foreigners Regional Registration Office (FRRO) Detention Centre, Lampur, Delhi.

2. The petitioner asserts that the petitioner is a Nigerian National who was granted a student visa in December 2017 for pursuing higher



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education at G.D. Goenka University [“University”]. The said visa was regularly extended on an annual basis from 2018 to 2022. The petitioner applied for further extension of his visa from 2022 to 2023 in order to complete his studies, however, the University refused to issue the mandatory *bona fide* Student Certificate required for granting the extension of the student visa.

3. The learned counsel appearing for the petitioner submits that in terms of the applicable Government of India Regulations, the petitioner was entitled to seek an extension of his student visa up to the year 2023. Since the visa was not extended, the petitioner was compelled to file multiple Writ Petitions before this Court, including prayers for issuance of the *bona fide* Certificate and extension of the student visa to enable him to complete his studies.

4. It is further submitted that the petitioner’s landlord had filed a Writ Petition before this Court seeking the petitioner’s deportation. However, before the said petition could be decided, on 02.07.2025, four policemen forcibly entered the petitioner’s residence, assaulted him, stole his belongings, and handed him over to the FRRO authorities, who detained him without following due process as mandated by law.

5. The learned counsel for the petitioner submits that the petitioner’s detention is unconstitutional and violative of Article 21 of the Constitution of India. It is further argued that the petitioner’s stay in India was *bona fide* and necessitated by the pendency of multiple legal proceedings before this Court. It is also contended that once the



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petitioner had approached this Court seeking extension of his visa, the respondents ought not to have taken coercive steps for his detention and deportation.

6. It is further argued that the petitioner has a right to remain in India for the purpose of pursuing his legal remedies, and that his detention at the FRRO Detention Centre is unjust, arbitrary, and unsustainable in law.

7. Mr. Sanjay Lao, the learned Standing Counsel appearing for the respondent nos. 1 and 2, submits that the petitioner is a foreign national who is residing in India without a valid visa or residential permit. His continued stay in India without an extension of the visa is illegal. The mere pendency of litigation does not confer any legal right upon the petitioner to overstay in India. The detention of the petitioner at the FRRO Detention Centre is lawful, in accordance with the statutory powers vested in the authorities, and is solely for the purpose of ensuring his deportation.

8. We have considered the submissions made by the learned counsels for the parties.

9. Undisputedly, the petitioner's visa expired in the year 2022, and extension of visa has not been granted thereafter. Consequently, the petitioner has overstayed in the country without a valid visa. In this Writ Petition we can neither consider the issue to grant of *bona fide* Student Certificate by the University to the petitioner, nor direct the authorities to extend the visa of the petitioner only to pursue his other pending litigations. Detention in such circumstances is *prima facie*



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preventive and regulatory in nature and is intended to facilitate deportation.

10. We also note that the petitioner has already filed W.P. (C) No. 14835/2024 seeking the grant of a student visa to enable him to commence his studies, and W.P. (Crl.) No. 1727/2023 seeking issuance of a *bona fide* certificate for extension of his visa. The petitioner has further filed an application, being CM Appl. No. 41564/2025 in W.P. (C) No. 14835/2024, seeking immediate release from the deportation camp, which is presently pending consideration before the learned Single Judge of this Court. Since the learned Single Judge is already seized of the matter on the above issues, no further directions are warranted at this stage.

11. Having regard to the facts and circumstances of the present case, as well as the scope and extent of the present petition, and the and the pendency of the aforementioned Writ Petitions, and without expressing any opinion on the merits of either of the cases, we deem it appropriate to leave it to the discretion of the learned Single Judge to proceed further in the matter in accordance with law.

12. The present petition is accordingly disposed of in the aforesaid terms. The pending application(s), if any, also stand disposed of.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JANUARY 9, 2026/AK/_{RM}

Signature Not Verified

Digitally Signed
By: VAISHALI PRUTHI
Signing Date: 13.01.2026
10:38:00

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