



2026:DHC:1807



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18299/2025**

Date of Decision: **26.02.2026****IN THE MATTER OF:**

ALAEELDIN MOHAMAD AWAD FADLALLA THROUGH SPA
HOLDER OMER AHMED MOHAMED ALIPetitioner

Through: Mr. Zahid Hanief Ms Shazia Kidwai
Mr Sarfaraz Nabi Lone, Advs.

versus

UNION OF INDIA AND OTHERSRespondents

Through: Nidhi Raman CGSC With Arnav
Mittal GP, Zubin Singh Adv., Mr.
Padam, FRROO.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for the following relief:

“a. Issue the Writ of Mandamus or appropriate writ, order whereby respondent be directed to allow the petitioner to enter India on student visa, after I revoking his name from the blacklist, if any, and further permit him to complete the last year of his B.Pharm course (4 year Course) and his Student visa be extended till completion of the said course on the terms and conditions in accordance with Law/policies.

b. Pass any other appropriate remedy which deem fit under the circumstance of case may be awarded in favor of petitioners.”

2. The petitioner is a Sudanese national, who had been studying in India since the year 2022. According to him, he had obtained Student VISA (S-1)

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for the purpose of pursuing B. Pharma (Four-Year) Course (Course) in India and the same was extended four times between the years 2022 and 2024. He has completed three years out of the four years of the Course.

3. On 24.12.2024, the petitioner applied for another extension of his Student VISA. However, on 09.03.2025, the respondents issued an exit permit for the petitioner to leave India. He was apprehended by the Foreigners Registration Office/CID on 16.05.2025 before being deported to Sudan.

4. The respondents' stand is that the petitioner, during the subsistence of his Student VISA, voluntarily obtained a UNHCR refugee card (valid from 18.06.2024 to 17.06.2026). As per the respondents, while a Student VISA is for temporary stay, the petitioner, by obtaining a UNHCR refugee card, has sought to alter the character of his stay in India to a more permanent nature. This according to the respondents, is an violation of the terms of the petitioner's VISA.

5. They, therefore, submit that the respondents are fully empowered under Section 7 of the Immigration and Foreigners Act, 2025 to issue directions restricting entry of any person into India.

6. At this stage, learned counsel for the petitioner submits that he has made an application under second proviso to clause 5 of Order 3 of Immigration and Foreigners Order, 2025, and prays that the respondent-Ministry be directed to consider his representation sympathetically.

7. Having considered the overall facts and circumstances, the Court finds that, if it is permissible in law to allow the petitioner to obtain visa for a limited period so as to enable him to complete his course, let the same be considered by the respondents with due expedition.

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8. Let the petitioner to file a fresh representation within 15 days from today to the concerned Ministry.
9. On receipt of the representation, let the same be decided within three months from the date of receipt.
10. Petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 26, 2026/p/amg

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