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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5480/2025, CM APPLs. 25006/2025, 25007/2025,
25008/2025

SHEENA NAZ & ANR.

.....Petitioner

Through: Mr. Sanjeev Sagar (Sr. Adv) along
with Mr. Zahid Hanief, Ms. Shazia
Kidwai, Ms. Nazia Parveen, Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Ms. Nidhi Raman (CGSC) along with
Mr. Arnav Mittal, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

26.04.2025

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1. The present petition seeks the following directions:-

“ a) Issue a writ, order, or direction in the nature of mandamus or any other writ, to the Respondent no.1, 2 &3 for consideration of the application of the petitioner no.1, for grant of Long-Term Visa bearing no. 230425E26X41, dated 23.04.2025 and regularize the same till the grant of citizenship.

b) Issue a writ, order or direction in the nature of mandamus or any other writ, to the Respondent no.1, 2 &3, not to revoke/ suspend the residential permit, valid from 26.03.2025 till 09.05.2025, issued under Rule 6 of the Registration of Foreigner's Rules, 1992 and further extend it time to time.

c) Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. The petitioner no.1 is a Pakistan National who is married to an Indian Citizen. The petitioner no.1 had applied for a Long-Term Visa bearing application no. 230425E26X41 on 23.04.2025 before the Bureau of Immigration, India. However, soon thereafter, an order dated 25.04.2025 came to be issued by the Foreigners-1 Division, Ministry of Home Affairs



under Section 3 (1) of the Foreigners Act, 1946 which *inter alia* provides as under:-

“2. In continuation of the above order and in exercise of the powers under Section 3 (1) of the Foreigners Act, 1966, the Government has decided to suspend the Visa services to Pakistani nationals with immediate effect. All existing valid Visas, except Medical visas, Long Term Visas, Diplomatic & Official visas, issued by Government of India to Pakistani nationals stands revoked with immediate effect from 27th April 2025. Medical Visa issued to Pakistani Nationals will be valid only till 29th April 2025. No new visas will also be issued in this regard. This order will not apply to Long Term Visas (LTVs) and Diplomatic & Official Visas issued to Pakistani nationals. A table indicating the status of visas issued to Pakistani national is given at Annexure.

3. Ministry of External Affairs and Bureau of Immigration are requested to give wide publicity of this Order suitably through their website and take appropriate necessary action for compliance of the order.”

3. The aforesaid order has resulted in the revocation of the petitioner’s visa and also inhibits processing of the petitioner’s application (dated 23.04.2025) seeking Long-Term Visa. Hence, the present petition has been filed seeking the aforementioned prayers. By way of the said prayers, the petitioner essentially seeks to circumvent the consequence/s flowing from the aforesaid order dated 25.04.2025.

4. *Prima facie*, the aforesaid order issued under Section 3(1) of the Foreigners Act, 1946 does not warrant any judicial review given that the issuance of the same was impelled by serious national security considerations. It is also not within the province of this Court to carve out



any exception(s) thereto. It is pertinent to note that the Supreme Court in ***Hans Muller of Nurenburg v. Superintendent, Presidency Jail, Calcutta*** (1955) 1 SCR 1284 has observed as under:-

“35. The Foreigners Act confers the power to expel foreigners from India. It vests the Central Government with absolute and unfettered discretion and, as there is no provision fettering this discretion in the Constitution, an unrestricted right to expel remains.”

5. In the circumstances, this Court has expressed its disinclination to entertain the present petition.
6. At this stage, learned senior counsel for the petitioner, on instructions, seeks leave to withdraw the present petition.
7. The petition is accordingly dismissed as withdrawn. Pending applications also stand disposed of.

APRIL 26, 2025/uk

SACHIN DATTA, J