



2026:DHC:8836



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: October 05th, 2026*

CNR No. DLHC010154252026

+ W.P.(C) 4979/2026

DHANRAJ RAJENDRA PATEL & ANR.Petitioners
Through: Mr. Rajveer Singh, Advocate
(Through VC).

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Rukhmini Bobde, CGSC
with Mr. Vinayak Aren and Ms.
Aishwarya Nigam, Advocates
for UOI.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. By the present petition, the petitioner seeks the following prayers:

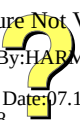
“(A) Issue an appropriate writ, order or direction, including a writ in the nature of Mandamus, directing the Respondent No.1, Respondent No.2 and Respondent No.3, to consider, decide and dispose of the pending representations and visa applications of Petitioner No.1, including the latest VISA Application No. USANV01F2C25 dated 25.09.2025, by passing a reasoned, speaking and legally sustainable order, within a time-bound period as may be fixed by this Hon'ble Court;

(B) Issue an appropriate writ, order or direction directing the Respondents to grant an Entry Visa (X-1/X-2 category) to Petitioner No.1, being the lawfully wedded spouse of an Indian citizen, unless specifically prohibited by law through a reasoned and communicated order, and to permit Petitioner No.1 to enter India in accordance with law;

(C) Issue an appropriate writ, order or direction protecting and enforcing the fundamental rights of Petitioner No.2, an Indian citizen, to marital cohabitation, family life, dignity and companionship, by directing the Respondents to remove unreasonable and arbitrary barriers

Signature Not Verified

Signed By: HARMINDER
KAUR
Signing Date: 07.10.2026
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preventing Petitioner No.1 from entering India to reside and cohabit with his lawful spouse;

(D) Issue an appropriate writ, order or direction restraining the Respondents from denying entry or taking adverse immigration action against Petitioner No.1, pursuant to a validly issued visa, except in accordance with procedure established by law and upon issuance of a reasoned, written and communicated order;

AND/OR

(E) For issuance of any other appropriate writ (s) / order (s) / direction (s), for any other relief which this Hon'ble Court thinks just and proper in the facts and circumstances of this case for doing equitable and conscionable justice to the Petitioner."

2. Briefly stated, Petitioner No.1 was a citizen of India by birth, however, upon shifting his residence to the United States of America and acquiring citizenship therein, formally renounced his Indian citizenship.

3. Petitioner No.1 was granted an e-visa to travel to India on 07.12.2022, pursuant thereto, Petitioner No.1 travelled to India, however, he was intercepted at Indira Gandhi International Airport, New Delhi and denied entry into India. Petitioner No.1 was thereafter deported to Dubai.

4. Thereafter, Petitioner No.1 repeatedly applied for an entry visa to India, however, on each such occasion, his application was returned. The petitioner is thereafter stated to have sent representations to the Ministry of Home Affairs and the office of the Director (Foreigners), New Delhi, however, no response was received.

5. The learned counsel for the petitioner submits that the Respondents have been repeatedly returning the visa applications of Petitioner No.1 without assigning any reasons, without passing a speaking order, and without communicating any deficiency or statutory disqualification.



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6. He submits that Petitioner No.1 is the lawfully wedded spouse of Petitioner No.2, an Indian citizen, and is otherwise eligible for grant of an Entry visa under the applicable visa policy, and the respondents have failed to demonstrate any statutory bar or lawful justification for the continued refusal to process his application.

7. The learned counsel for the respondents, at the outset, submits that the present petition is liable to be dismissed on account of the petitioner approaching this Court with unclean hands by deliberately suppressing material facts of the present case. She submits that Petitioner No.1 has consciously withheld a material fact that he had earlier instituted Special Civil Application No. 26810/2022 before the Hon'ble Gujrat High Court in relation to the very same subject matter, namely the denial of entry into India and the consequent deportation from the airport at Delhi. She submits that the said petition has already been dismissed on merits after due consideration of the submissions advanced on behalf of the Respondents therein.

8. She further submits that, even otherwise, the grant of visa is a sovereign function of the Government of India and cannot be claimed as a matter of right. She submits that a foreign national residing outside India has no *locus standi* to maintain the present petition for enforcement of a non-existent right.

9. Having heard the counsel and perused the record, this Court is not persuaded by the stance taken by the petitioner for the following reasons.

10. At the outset, it is pertinent to note that Petitioner No.1 had, on an earlier occasion, filed a writ petition before the Hon'ble Gujarat



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High Court seeking quashing of the communication dated 27.12.2022 issued by the Bureau of Immigration, India, whereby he was denied entry into India and his e-visa was cancelled. The said petition was dismissed. Though the earlier petition did not specifically seek a direction to the respondents to grant a visa to Petitioner No.1, it nevertheless challenged the action of the Bureau of Immigration denying him entry into India. The filing and dismissal of the said petition were material facts and ought to have been disclosed in the present writ petition. The failure to do so amounts to concealment of material facts.

11. The petitioners though failed to file the order dated 06.01.2023 whereby the Hon'ble Gujrat High Court dismissed his writ petition, the same has been placed before this Court by the respondents.

12. A perusal of the aforesaid order shows that Hon'ble Gujrat High Court while deciding a somewhat similar petition has already noted the reasons for denying entry and cancelling the e-visa of Petitioner No.1, and in doing so has noted certain serious allegations against Petitioner No.1.

13. It was noted that Petitioner No.1 had been denied entry into India and his e-visa had been cancelled on account him being a convicted sex offender in the United States of America and his passport containing an endorsement regarding the same.

14. Once the grounds for denying entry and cancelling the e-visa of the petitioner have already been affirmed by the Hon'ble Gujrat High Court, the same rationale is also applicable to the respondents subsequently not granting the petitioner a fresh visa.



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15. The issuance of a visa is a sovereign function of the State that is embedded in considerations of national security, foreign policy and administrative discretion. Petitioner No.1, admittedly, has been convicted as a sex offender in the United States of America and the respondents are within their rights to prevent such people from setting foot on Indian soil.

16. Considering the facts and circumstances of the present case, coupled with the material suppression of facts on the part of the petitioner, this Court finds no ground to exercise its discretionary and extraordinary jurisdiction under Article 226 of the Constitution of India.

17. The present petition is accordingly dismissed.

AMIT MAHAJAN, J

OCTOBER 5, 2026

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