BALAJI GOVINDRAO PANCHAL
GOVINDRAO PANCHAL
Date: 2026.11.02 19:23:09 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 36271 OF 2026
WITH
INTERIM APPLICATION (L) NO. 37066 OF 2026

Imran Khan Pal ...Petitioner
Versus
Union of India & Ors. ...Respondent

...

Mr. Venkatesh Dhond, Senior Advocate a/w Mr. Zulfiquar Memon, Mr. Kunal Vajani, Mr. Parvez Memon, Mr. Chirag Naik, Ms. Vaijayanti Sharma, Mr. Kush Agarwal, Mr. Mahesh Ahire, Ms. Drishti Singh, Mr. Kshemendra Bhardwaj, Mr. Aman Tiwari, Mr. Rohit Deoras, Mr. Soumyajoti Lodh & Ms. Lisa Memon i/by MZM Legal LLP, for the Petitioner.

Mr. Anil C. Singh, Additional Solicitor General of India a/w Mrs. Savita Ganoo, Mr. D. P. Singh, Mr. Jainendra Sheth, Mr. Dhaval Sethia, Mr. Prithviraj Chauduri, Mr. Adarsh Vyas & Mr. Krishnakant Deshmukh, for Respondent Nos. 1 & 2.

Smt. Anjali N. Helekar, GP a/w Smt. Jyoti Chavan, Addl. GP for the Respondent No. 3-State.

Mr. Subhash Jha a/w Mr. Siddharth Jha & Mr. Chetan Gogawale i/by Law Global Advocates, for the Intervenor.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 2nd NOVEMBER, 2026.

P.C.:

1. We have heard the Ld. Senior Counsel for the Petitioner,

Uploaded on - 02/11/2026 Downloaded on - 02/11/2026 19:57:09

Ld. ASGI for the Union, Ld. Additional GP for State and other Ld. Counsel before us at some length.

2. At the very outset, our attention is invited to the last Order dated 27th October 2026 of this Court which reads thus:-

> *1. Pursuant to our order dated 26th October 2026, the captioned Petition is listed today.*
>
> *2. At the very outset, a request is made by Mr. Anil Singh, Ld. Additional Solicitor General of India, appearing for the Respondent – Union of India, for a short adjournment, until 2nd November 2026. Such request for adjournment is fairly not opposed by Mr. Dhond, Ld. Senior Counsel for the Petitioner.*
>
> *3. In light of the above, the Impugned 'Leave India Notice' dated 14th October 2026, issued to the Petitioner by the Respondent No. 2 – Foreigners Regional Registration Officer ('**FRRO**'), will be kept in abeyance, until the adjourned date of hearing i.e., 2nd November 2026.*
>
> *4. Stand over to **2nd November 2026 at 3:00 P.M."***

3. Mr. Dhond Ld. Senior Counsel at the outset would place reliance on paragraphs 9 to 13 in the Petition to strenuously urge that the Petitioner is not concerned or connected with the protest, neither was he present at the protest site. He has an OCI card issued on 15th December 2006 and is a Passport Holder of the United States of America. He is living in India since last about 42 years. Mr. Dhond would fairly submit and

Uploaded on - 02/11/2026 Downloaded on - 02/11/2026 19:57:09

acknowledged the limitations of an OCI card holder, who is not an Indian Citizen. He would invite our attention to the Undertaking dated 27th October 2026, a copy of which is furnished to this Court, with a copy served to the Ld. Counsel for the Respondents. Mr. Dhond would contend that the Petitioner would at all times abide by the Undertaking and will not participate in any protests in the near future.

4. For the sake of convenience and ease of reference, said Undertaking dated 27th October 2026, is reproduced below:-

> *"I, Imran Khan Pal, holding American passport number: 55597012 and Overseas Citizen of India ("OCI") Certificate of Registration number: 085019, currently residing at Clefepete Building, 9th Floor, Carter Road, Bandra (West), Mumbai – 400 050, do hereby solemnly declare and affirm as under:*
>
> *1. I say that I am the Petitioner in the captioned Writ Petition.*
>
> *2. I say that I repeat, reiterate, adopt and confirm all that is contained in the captioned Petition as if the same has been reproduced herein seriatim. Capitalized terms used and not defined herein shall have the same meaning as ascribed to them in the captioned Petition.*
>
> *3. I say that I had no intent, as can be seen from my limited remarks to the media on 10.10.2026. I have never made any demands and have categorically stated that I am no one to make any demands. I was present there to see why the freedom of movement was being restricted and why people's voices were being oppressed and suppressed.*
>
> *4. Having said so, I volunteer to provide an undertaking to the Union of India that I shall not participate in any protests in the future, nor shall I directly or indirectly influence or instigate others to participate in any such protest.*
>
> *5. I say that I have, all along during my life span of 42 years in India, strictly adhered to the law and honoured the laws of this great nation in their letter and spirit. I have no criminal antecedents to my discredit. Being an OCI holder, I have the utmost love and respect for this great nation and its Constitution. Further, I have, to a great extent and in my limited personal capacity, contributed substantially through the furnishing of taxes and the creation of jobs for several persons.*
>
> *6. As stated above, I have been living in India since the age of 2, i.e., for 42 years. I have been married here and also have a daughter from the said wedlock. My entire extended family is Indian by birth, and I belong*

Uploaded on - 02/11/2026 Downloaded on - 02/11/2026 19:57:09

to a rich family history that has significantly contributed to the film industry. As such, my life, profession and affiliation are all confined to this great nation. In light of the foregoing, I am volunteering to give the present undertaking that there will be no participation by me in any protests in the future.

7. I believe this undertaking should put to rest the controversy surrounding my alleged participation and the consequent state actions thereafter.

8. I say that the present Affidavit is filed only to bring the afore-said on record."

5. Per contra, Mr Anil Singh, Ld. ASGI would vehemently contend that as an OCI card holder, the rights of the Petitioner are restricted and extremely limited. He would rely on some case law to urge that an OCI card holder is a foreigner and not an Indian Citizen. In view thereof, the Centre through the FRRO has unfettered rights to deport such person – the Petitioner from India, without the need to establish any jurisdictional fact. Ms. Helekar, Ld. Addl. Government Pleader for the State of Maharashtra would submit on instructions that an FIR is also lodged against the Petitioner.

6. There is no Affidavit-in-Reply filed by the Union of India until date. *Prima facie* there can be no quarrel with the proposition that the rights of an OCI card holder and an Indian citizen operate in distinct and different spheres. We have noted that the OCI certificate issued to the Petitioner

Uploaded on - 02/11/2026 Downloaded on - 02/11/2026 19:57:09

dated 15th December 2006 states under the head "Occupation" - "Searching For Job". The State in exercise of its sovereign functions would have the right to deport a person out of India in a given case. To further clarify this aspect and make clear the stand of the Union of India, Mr. Singh has agreed to file an Affidavit-in-Reply, as he would agree that the last date of deportation of the Petitioner was 28th October 2026 as per the Impugned Leave India Notice dated 14th October 2026, which has passed. The same has been extended by *ad interim* Order of this Court dated 27th October 2026.

7. In our considered view, whilst taking the Affidavit of Undertaking dated 27th October 2026 on record, the Petitioner through the Ld. Senior Counsel has tendered an Unconditional Apology. In view thereof, we have permitted the Union of India to file their detailed Affidavit-in-Reply within 3 weeks from date of uploading of this Order, with an advance copy served to the Ld. Counsel for the Petitioner, who is at liberty to file his Rejoinder within a week thereafter.

8. In the given factual complexion, the matter would be heard as the first item on **7th December at 3 p.m**., when an

Uploaded on - 02/11/2026 Downloaded on - 02/11/2026 19:57:09

endeavor would be made to hear and decide the Petition, finally. In the meantime, we expect that he would reside in India as a law abiding person, not associating/indulging in any activities/protest – rights which are available to the citizen/s of this country, under the Constitution of India.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**

Uploaded on - 02/11/2026 Downloaded on - 02/11/2026 19:57:09