

(2020) 02 DEL CK 0026

In the Delhi High Court

Case No : Criminal Writ Petition No. 350 Of 2020

Mohammad Najib Haidari

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Foreigners Act, 1946 — Section 3(2)(e), 14

Citation : (2020) 02 DEL CK 0026

Hon'ble Judges : Manmohan, J; Sangita Dhingra Sehgal, J

Bench : Division Bench

Advocate : Saurabh Prakash Anand, R.A. Worso, Vikas Mahajan, Aakanksha Kaul, Aakash Varma, Prajesh V.S., Anil Kumar, Deepak Goyal

Final Decision : Disposed Of

Judgement

Manmohan, J

CrI.M.A.No.2599/2020

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(CRL) 350/2020 & CrI.M.A.No.2598/2020

1. Present writ of habeas corpus has been filed by the petitioner seeking an order/direction to the respondents to produce the petitioner before this Court and to restrain the respondents from deporting him and to release him.

2. However, learned counsel for the respondents, who appears on advance notice, states that a reasoned order dated 06th January, 2020 has already been passed by the Foreigners Regional Registration Officer, Civil Authority, Delhi, cancelling the visa granted to the petitioner and imposing upon him restrictions under clause (e) of Sub Section (2) of Section 3 of the Foreigners Act, 1946 and under Para 11(2) of the Foreigners Order, 1948. The relevant portion of the said

order is reproduced hereinbelow:-

"I, Surender Kumar, Civil Authority/Foreigners Regional Registration Officer, Delhi in pursuance of MHA's/Govt. of India's notification no. 381 issued from File No. 25022/96/99-F.I dated 13.07.2000 r/w Joint Director/Immigration, New Delhi order No. 1/mm./99(32)-3388/IB/MHA dated 18.07.2000, hereby impose the following restrictions under clause (e) of Sub Section (2) of Section 3 of the Foreigners Act, 1946 and under Para 11(2) of the Foreigners Order, 1948 on the foreigner named:-

MOHAMMAD NAJIB HAIDARI @ NAJIBULLAH MOHAMMAD SAFAR, holder of Passport No. P02293452 @ OA1802972, an Afghan national.

Apprehended by the staff of Enquiry Branch/FRRO, New Delhi. The said foreign national had been granted Exit Permit and also blacklisted in the name of NAJIBULLAH MOHAMMAD SAFAR, holder of Passport No. OA1802972, an Afghan national on account of his 04 years overstay. Now he managed to get new passport with change parameters in the name of MOHAMMAD NAJIB HAIDARI, holder of Passport No. P02293452. He has also changed his Date of Birth in new passport. However, reasonable time has been provided to the above foreign national. His visa was also cancelled by FRRO, Delhi.

The above named foreigner(s) will not move out of the Sewa Sadan, Lampur, Narela, Delhi till his/their travel arrangements are made, as there is every likelihood that he/they may go underground and indulge in undesirable activities.

Non-compliance of this order will render him/them liable for prosecution under Section 14 of The Foreigners Act, 1946. Police Guard are escorting the foreigner(s) from R.K. Puram to Sewa Badan, Lampur, Narela, Delhi."

3. A photocopy of the order dated 06th January, 2020 is taken on record. Let a copy of the same be supplied to learned counsel for the petitioner during the course of day after obtaining a written receipt.

4. In the event, the petitioner is aggrieved by the said order, he is at liberty to file appropriate proceedings in accordance with law. The rights and contentions of all the parties are left upon.

5. Accordingly, the present criminal writ petition along with pending application stand disposed of.