

(2022) 12 DEL CK 0072

In the Delhi High Court

Case No : Civil Writ Petition No. 3857 Of 2021, Civil Miscellaneous Application
No. 11644 Of 2021

Sheeni Tong

APPELLANT

Vs

Union Of India & Anr.

RESPONDENT

Date of Decision : 09-12-2022

Acts Referred:

Citation : (2022) 12 DEL CK 0072

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Abhinav Beri, Pragya Mishra, Anurag Ahluwalia, Danish Khan, Rahul Sharma

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through hybrid mode.
2. The Petitioner who is a Chinese national has filed the present petition seeking directions to set aside the Leave India Notice dated 12th March, 2021 issued by the Respondent No.2/Ministry of Home Affairs. The Petitioner seeks permission to stay in India until her citizenship application is decided by the Respondents.
3. Notice was issued in this matter on 23rd March, 2021 when it was directed that no coercive measures shall be taken against the Petitioner considering that it was the Covid-19 pandemic period. Thereafter, the matter has been adjourned from time to time and the interim protection has been extended.
4. On the last date of hearing, Id. CGSC, Mr. Anurag Ahluwalia made a submission that the visa application of the Petitioner had been closed due to inputs received from intelligence agencies. Accordingly, vide order dated 30th November, 2022, an affidavit was directed to be filed by the Respondents.
5. In terms of the previous order, the said affidavit dated 8th December, 2022,

has been placed on record. The submission of Mr. Ahluwalia is that business visas have been issued repeatedly to the Petitioner and the same has been extended from time to time. It is, however, the stand of the Respondents that there are various discrepancies and anomalies found in the information which has been submitted by the Petitioner. At the outset, the affidavit states that the Petitioner has stayed in India, past her business visa's stipulated period of 180 days. Thereafter, upon an enquiry by the Foreigners Regional Registration Officer, Jaipur (hereinafter "FRRO"), when the Petitioner could not show valid documents or employment in India, exit permits were issued. Details of such exit permits are relied upon to show that repeatedly the Petitioner has been given exit permits to exit the country, twice in January, 2021 and then in February, 2021, after which the Leave India Notice was issued. It is also claimed that false information in respect of the names of spouses, sponsoring companies, etc., have been submitted to the authorities. It is also stated that the name of the spouses is not consistently revealed and different spouse names have been shown from time to time, since 2014. Certain other concerns have also been raised to support the closure of the visa application. The affidavit handed over today is taken on record.

6. At this stage, Id. counsel for the Petitioner submits that the Petitioner is willing to undertake to leave India herself, provided some reasonable time is given to her.

7. After hearing Id. Counsel for the Parties, the Court records the undertaking of the Petitioner that she would leave the country by 15th January, 2023. An undertaking and an affidavit to this effect shall be submitted to the FRRO, Jaipur on 12th December, 2022 by the Petitioner.

8. Since the Petitioner is a resident of Jaipur at 192, Kamla Nehru Nagar near Tilak Senior Secondary Hasanpura C, Jaipur subject to said affidavit and undertaking being given on 12th December, 2022, the Petitioner is permitted to leave India by 15th January, 2023. It is made clear that the Petitioner shall remain in Jaipur till her departure from India and not travel to any other cities in India. If, however, the undertaking and affidavit is not submitted on 12th December, 2022 to the authorities in Jaipur, the protection granted by this Court to the Petitioner shall automatically stand vacated without any further orders and the Respondents are free to take steps to deport the Petitioner.

9. With these observations, the present petition, along with all pending applications is disposed of.