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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 776/2025

**JOHN ROBERT ROUGHTON III THROUGH POA VICTORIA
ROUGHTON**

.....Petitioner

Through: Dr. Amit George, Mr. Dhiraj
Abraham Philip, Mr. Febin Mathew
Varghese, Ms. Ibansara Syiemlieh
and Ms. Achalika Ahuja, Advs.

versus

JOINT SECRETARY FOREIGNERS DIVISION & ANR.

.....Respondent

Through: Ms. Nidhi Raman, CGSC with Mr.
Rudra Paliwal, GP along with Mr.
Arnav Mittal and Mr. Debashish
Mishra, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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15.05.2025

1. This petition has been filed alleging wilful disobedience of judgment dated 28th March 2025 passed by the Court in **W.P.(C) 17113/2024**.

Relevant paragraphs are extracted as under:

1. The petitioner has filed the present petition, inter alia, praying as under –

- a) Allow the present Writ and Issue a writ of or in the nature of mandamus or any other appropriate writ, directing Respondents to allow the Petitioner to enter India on his OCI card bearing No. A2327906;*
- b) Issue a writ of or in the nature of Certiorari or any other writ, order or direction calling for the records of the petitioner's case,*
- c) Issue a writ of in the nature of mandamus or any other appropriate writ, order or direction quashing any order/direction restraining petitioner's entry into India;*
- d) Issue a writ of in the nature of mandamus or any other appropriate writ, directing Respondents to furnish information/reasons for petitioner's deportation and refusal of entry into India;*



2. The petitioner is a U.S. citizen and an OCI cardholder. He holds a valid OCI Card (No. A2327906) and a U.S. Passport (No. 505607460). His wife is an Indian citizen by birth and holds an Indian passport (No. M6835303).

7. On 18.06.2024, the petitioner and his wife travelled to the USA to visit the petitioner's parents. Upon their return to India on 31.10.2024 at Indira

Gandhi International Airport, while the petitioner's wife cleared immigration without any issues, the petitioner was stopped by the immigration officials and was informed that he would not be allowed entry into India and was being deported. When he requested an explanation, he was told that no reason could be provided. No official order or documentation was given to explain his deportation. The immigration officials further refused to stamp his passport and stated that he had to return to the USA on the same flight in which he had arrived.

29. Consequently, both the deportation of the petitioner and the process of blacklisting him fail to meet the statutory requirement/s prescribed under Section 7-D of the Citizenship Act, 1955. Given that the petitioner continues to hold a valid OCI card, his rights as an Overseas Citizen of India cannot be curtailed arbitrarily.

30. Accordingly, the present petition is disposed of with a direction to the respondents to serve a show cause notice as regards the 'black-listing' of the petitioner and pass a speaking order after duly considering the response of the petitioner thereto, and after affording an opportunity of hearing to the petitioner.

31. It is, however, clarified that this Court has not rendered any opinion on the merits of the allegations against the petitioner or on whether such allegations warrant blacklisting of the petitioner and/or cancellation of his OCI card under Section 7-D of the Citizenship Act, 1955.

2. *Dr. Amit George*, Counsel for petitioner, submits that despite these orders, which had set aside the deportation and blacklisting, when the petitioner flew from *Kathmandu* to *India* on 12th May 2025 after giving a



prior notice to the Ministry of Home Affairs (**'MHA'**) regarding his arrival, he was denied entry despite holding a valid Overseas Citizen of India (**'OCI'**) Card. He, therefore, contends that with a valid OCI Card, and the blacklisting orders having been quashed by the Court, his entry could not have been prohibited.

3. Accordingly, issue notice.

4. Notice is accepted by *Ms. Nidhi Raman*, CGSC for respondent.

5. She states that the judgment of which compliance is sought, relied in turn upon the decision in ***Khalid Jahangir Qazi v. Union of India & Ors.*** 2024 SCC OnLine Del 7847; an appeal against which is pending before the Division Bench of this Court and listed on 19th May 2025.

6. *Dr. Amit George*, Counsel for petitioner, however, points out that the matter in ***Khalid Jahangir Qazi (supra)*** had been listed 7 times earlier and no stay had been granted in that matter.

7. Nevertheless, *Ms. Nidhi Raman*, CGSC states that they are also planning to file an LPA against this judgment dated 28th March 2025.

8. However, it is an admitted position that the LPA has not been filed, and, therefore, there is no adverse order setting aside/staying the judgment dated 28th March 2025.

9. The direction was *simplicitor* for the respondent to serve a *Show-Cause Notice* as regards the blacklisting of the petitioner, and to pass a speaking order after considering the response of the petitioner and affording an opportunity of hearing.

10. *Ms. Nidhi Raman*, CGSC states that they have restrained themselves from doing so since they wish to appeal against the legal issue which was left open by the Writ Court as evident from *paragraph 31*.



11. This position cannot be maintained indefinitely. It is up to MHA to take stand in this regard, and unless there is an adverse order from the competent Court, the judgment of 28th March 2025 shall subsist and the petitioner cannot be denied entry.

12. *Ms. Nidhi Raman*, CGSC also states that *paragraph 29* did not quash the blacklisting order and merely directed the respondent to serve a fresh *Show-Cause Notice*.

13. On this interpretative dispute, parties are always at liberty to seek a clarification from the Writ Court in this regard. Till then the position as articulated by this Court in para 11 above shall stand.

14. *Dr. Amit George*, Counsel for petitioner, further points out that the Writ Court has clearly stated in paragraph 29 that “*Given that the petitioner continues to hold a valid OCI card, his rights as an Overseas Citizen of India cannot be curtailed arbitrarily*”.

15. A response in this regard shall be filed by the UOI before the next date of hearing.

16. List on 28th May 2025.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 15, 2025/MK/tk