HC-KAR

NC: 2026:KHC:17972
WP No. 7591 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 7591 OF 2026 (GM-FA)

BETWEEN:

1. JOSEPH IGNAZZIO ZAMBUTO
S/O JOSEPH IGNAZZIO ZAMBUTO
AGED 45 YEARS
AMERICAN NATIONAL
HOLDER OF US PASSPORT
NO. 664130033
M/S ETTA GLOBAL PARTNERS LLC
NO. 16128, TOWER 16
PRESTIGE SHANTHINIKETAN APARTMENT
ITPL ROAD, WHITEFIELD MAIN ROAD
KADUGODI, BENGALURU - 560048.

...PETITIONER

(BY SRI. NEERAJA KARANTH, ADVOCATE)

AND:

1. THE UNION OF INDIA
BY FOREIGNERS REGIONAL
REGISTRATION OFFICE (FRRO)
BUREAU OF IMMIGRATION (MHA)
GOVERNMENT OF INDIA
5TH FLOOR, A BLOCK, TTMC
BMTC BUS STAND BUILDING
K. H. ROAD, SHANTHI NAGAR
BENGALURU-560027

...RESPONDENT

(BY SRI. ARAVIND KAMATH, ASG A/W
SRI. ADITYA SINGH, CGC)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE LEAVE INDIA NOTICE (RECEIVED VIA EMAIL) DATED 19/2/2026 IN NO. 03/FRRO/BOI(BLR)/F1/LIN/2026-20 ISSUED BY THE RESPONDENT U/S 7(2) OF THE IMMIGRATION AND FOREIGNERS ACT 2025, PRODUCED AS ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is instituted by a citizen of the United States of America, calling in question the legality and validity of the "Leave India Notice" dated 19.02.2026 issued by the respondent under Section 7(2) of the Immigration and Foreigners Act, 2025 (for short "Act, 2025"). The petitioner also seeks issuance of a writ in the nature of mandamus, directing the respondents to permit him to continue his stay in India for the duration of the business visa granted in his favour, which is valid up to 15.01.2027, as evidenced at Annexure–B.

2. The factual matrix, as pleaded, discloses that the petitioner is a U.S. national holding a passport bearing

No.664130033 stated to be valid up to 02.02.2031. It is averred that the petitioner initially visited India on 01.08.2025 on a tourist visa and departed the country on 15.01.2026 in accordance with law. During this period, the petitioner is stated to have solemnised his marriage with one Mrs. Noorina Abdoulraman, a citizen of Mauritius of Indian origin. Thereafter, the petitioner re-entered India on 26.01.2026 upon obtaining a business visa valid till 15.01.2027. Since his re-entry, the petitioner claims to be residing at the address shown in the cause title and is engaged in business-related activities, including meetings with stakeholders, with the avowed objective of establishing a customer service centre in Bengaluru.

3. It is the specific grievance of the petitioner that, despite holding a valid business visa, the respondent has issued the impugned "Leave India Notice" dated 19.02.2026 directing him to exit the country. The petitioner contends that the said notice is wholly bereft of reasons and does not disclose any material indicating that

his presence in India is prejudicial to national security, public order, or the sovereignty and integrity of India. It is further urged that the impugned notice does not even allege violation of any of the conditions subject to which the visa was granted.

4. The petitioner would contend that the abrupt issuance of the impugned notice, in the absence of any stated grounds, is arbitrary and violative of the principles of natural justice. It is his case that, having been granted a business visa valid up to 15.01.2027, he had a legitimate expectation that he would be permitted to remain in India for the said period, subject to compliance with visa conditions. The petitioner asserts that he has already undertaken business commitments and initiated steps towards establishing a business presence in India and that the impugned action adversely affects not only his individual rights but also runs counter to the broader economic and investment policies of the country.

5. Placing reliance on the doctrine of legitimate expectation and fairness in administrative action, the petitioner further contends that the impugned notice is manifestly arbitrary, disproportionate, and unsustainable in law. It is also urged, in a broader philosophical vein, that the action of the respondents militates against the long-cherished civilisational ethos of India embodied in the principle of "VasudhaivaKutumbakam", which underscores openness and inclusivity. On these grounds, the petitioner seeks quashing of the impugned notice and consequential reliefs as prayed for.

6. Per contra, the respondent has entered appearance and have stoutly resisted the claim of the petitioner by filing detailed statement of objections. The respondent–authority contends that the petitioner, a citizen of the United States of America, initially entered India on 01.08.2025 on the strength of an e-tourist visa. It is specifically alleged that, during the subsistence of the said visa, the petitioner grossly violated the conditions

governing an e-tourist visa by engaging in activities wholly impermissible under such category of visa. According to the respondent, the petitioner indulged in commercial operations by entering into contracts, employing personnel, and effecting monetary transactions in connection with business activities carried on under the name and style of "M/s. Etta Global Partners LLC", a company stated to be registered in Puerto Rico, a territory of the United States, which admittedly does not have any registered office in India.

7. It is the categorical stand of the respondent that the aforesaid acts constitute a clear breach of visa conditions, which prohibit undertaking of any business, employment, or commercial activity while on an e-tourist visa. The respondent assert that it is on account of these violations that the competent authority, in exercise of statutory powers under Section 7(2) of the Act, 2025, has issued the impugned "Leave India Notice" strictly in accordance with the procedure established by law.

8. The respondent has further seriously disputed the petitioner's assertion that he re-entered India on a valid business visa. In this regard, reliance is placed on official records, including visa particulars bearing ETA No. 9017EFBAP, which, according to the respondent, unequivocally establish that the petitioner was granted only a tourist visa and not a business visa. It is thus contended that the petitioner's plea of holding a business visa valid up to 15.01.2027 is factually incorrect and contrary to the documentary record now produced before this Court.

9. In addition to the above, the respondent has placed reliance on contemporaneous material, including complaints lodged by certain individuals before the jurisdictional police authorities, alleging that they were employed by the petitioner and were subjected to irregular and partial payment of salaries. The respondent has also produced an email communication admittedly sent by the petitioner to his landlord, which, according to them,

evidences that the petitioner had engaged multiple employees and was carrying on business activities from the leased premises. It is further alleged that the petitioner has defaulted in payment of rent under the lease arrangement entered into with the landlord.

10. On the basis of the aforesaid material, the respondent contends that both the petitioner and his spouse, while being on an e-tourist visa, have engaged in structured business activities under the entity "ETTA Global Partners LLC", thereby acting in flagrant violation of the visa regime. It is thus urged that the impugned "Leave India Notice" is neither arbitrary nor without jurisdiction, but is a lawful consequence of established violations. The respondent therefore seeks dismissal of the writ petition as being devoid of merit.

11. Having heard the learned counsel appearing for the parties and on perusal of the material placed on record, this Court has meticulously examined Annexure–

R1, which is the Electronic Travel Authorisation (ETA) issued in favour of the petitioner. The said document unmistakably evidences that the petitioner was granted an e-tourist visa for a period of one year, bearing ETA No. 9017EFBAP. A comparative examination of the said ETA with the endorsement made by the Immigration Authorities on the passport of the petitioner clearly reflects the very same ETA number and categorically describes the nature of visit as "tourist visa". The contention urged by the learned counsel for the petitioner that, notwithstanding such endorsement, the petitioner had in fact entered India on a business visa and that the authorities have erroneously stamped the same as a tourist visa, cannot be countenanced in the teeth of unimpeachable documentary evidence on record.

12. The material on record further discloses that, during the subsistence of the said e-tourist visa, the petitioner has indulged in activities which are *ex facie* impermissible under the visa regime. The documents

produced by the respondent indicate that the petitioner has engaged personnel, disbursed salaries, entered into contractual arrangements, and taken premises on lease for the purpose of carrying on business operations. Such acts are clearly beyond the permissible scope of an e-tourist visa and constitute a violation of the conditions subject to which the visa was granted. In terms of Section 7(2) of the Act, 2025, the competent authority is empowered to regulate the stay of a foreigner in India and to require such foreigner to leave India if the conditions of visa are breached or if such stay is otherwise found to be unlawful. Further, Section 72C of the said Act, 2025, authorises issuance of a "Leave India Notice" where a foreigner is found to have contravened the provisions of the Act or the conditions of the visa granted.

13. In the present case, the admitted factual position, fortified by documentary evidence, establishes that the petitioner, while holding an e-tourist visa, has engaged in business and commercial activities in clear

contravention of the statutory framework. It is in this background that the respondent–authority has invoked its powers under Section 7(2) read with Section 72C of the Act, 2025 and has issued the impugned “Leave India Notice”. This Court finds that the said action is in strict conformity with the provisions of the Act, 2025 and does not suffer from any arbitrariness, illegality, or procedural infirmity warranting interference under Article 226 of the Constitution of India.

14. The plea of legitimate expectation advanced by the petitioner is wholly misconceived, inasmuch as such expectation, if any, cannot override statutory restrictions or justify conduct in breach of visa conditions. A foreign national entering India on a tourist visa is bound by the limitations inherent to such visa and cannot, under the guise of subsequent arrangements, undertake business activities in violation of law.

15. For the foregoing reasons, this Court is of the considered view that the impugned "Leave India Notice" is lawful and justified. The contentions urged in the writ petition being devoid of merit, the petition stands ***dismissed.***

The petitioner is directed to comply with the impugned notice and exit India forthwith, in accordance with law.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
List No.: 2 Sl No.: 104