



2025:DHC:8574



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 18.09.2025**

+ **W.P.(C) 11089/2023, CM APPL. 43049/2023**

JAYANTKUMAR CHANDUBHAI PATELPetitioner

Through: Ms. Maneesha Dhir, Ms. Varsha Banerjee, Ms. Aishwarya Nabh and Ms. Vidhi Kapur, Advocates.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Sushil Kumar Pandey, Advocate (SPC) for UOI.

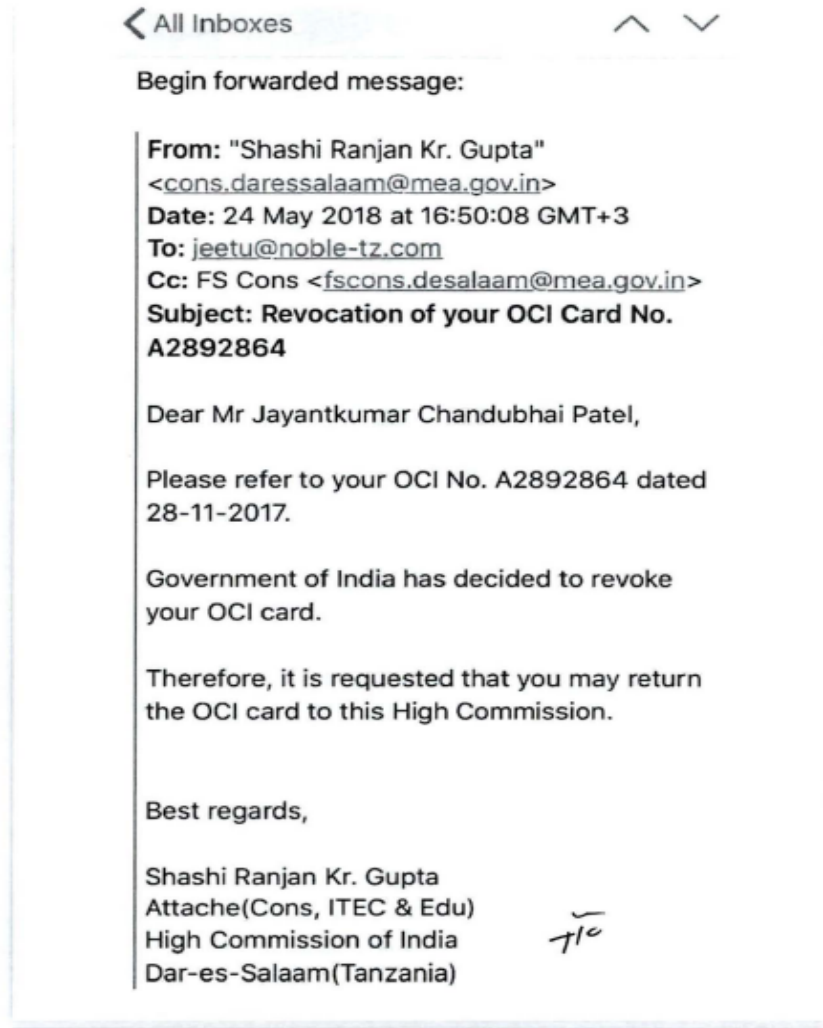
**CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA**

SACHIN DATTA, J. (ORAL)

1. The present petition has been filed by the petitioner assailing an order dated 07.02.2023 passed by the respondent no.2 (Foreigner Division of Ministry of Home Affairs), whereby, the review petition filed by the petitioner under Section 15A of the Citizenship Act, 1955, challenging the revocation of his registration as an Overseas Citizen of India Cardholder, has been rejected. The said revocation of registration as OCI cardholder was done on 24.05.2018. The same reads as under:



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2. It is submitted on behalf of the petitioner that an OCI Card bearing no. A2892864 was issued to the petitioner on 28.11.2017. In consequence thereof, the petitioner was afforded the right to travel to India in terms of the dispensation created under Section 7A of the Citizenship Act, 1955.

3. Broadly, three contentions have been raised by the learned counsel for the petitioner.



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4. Firstly, it is contended that the cancellation of the OCI card *vide* communication dated 24.05.2018 has been resorted to without granting any opportunity of hearing and / or giving show cause notice whatsoever to the petitioner.

5. Secondly, it is submitted that even the order passed in the review is bereft of any reason whatsoever for the action proposed to be taken against the petitioner. It is submitted that the same falls foul of the judgment of this Court in *Ashok Swain v. Union of India & Ors.* [W.P(C) 16823/2022], *Khalid Jahangir Qazi Through His Power of Attorney Holder Ms. Farida Siddiqi v. Union of India Through Secretary & Ors.*, 2024:DHC:8754 and *John Robert Roughton III v. Union of India & Ors.*, 2025:DHC:2108.

6. Lastly, it is submitted that although the counter-affidavit refers to an alleged entry ban on the petitioner dating as far back as 1998, it is a matter of record that between 1998 and 2017, the petitioner has travelled to India at least 40 times. As such, even the ostensible reason as disclosed in the counter-affidavit is bereft of any merit.

7. It is noticed that the impugned order reads as under:

Major Dhyan Chand National Stadium,
India Gate Circle, New Delhi-110002
Dated 07 /02/2023

ORDER

WHEREAS, the Central Government in exercise of powers conferred under section 7D of the Citizenship Act, 1955 through the High Commission of India, Dar-Es-Salaam, Tanzania's email dated 24/05/2018 had revoked the registration as an OCI Cardholder (No. A2892864) of Mr. Jayantkumar Chandubhai Patel for his involvement in drug smuggling.

AND WHEREAS, aggrieved by the revocation of the registration as an OCI Cardholder, Mr. Jayantkumar Chandubhai Patel filed a Review Application dated 12/10/2022 under Section 15 A of the Citizenship Act, 1955 against the decision of the Government of India communicated via email dated 24/05/2018.



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AND WHEREAS, through the review application, Mr. Jayantkumar Chandubhai Patel has prayed as below;

- i. Review of the order/communication passed by the Government of India whereby the OCI of the Applicant is revoked
- ii. Grant a hearing through counsel to the Applicant, while deciding the review application.
- iii. Grant inspection/copy of the all-India Entry Ban Look-Out (Category A/Permanent) list to the Applicant/ counsel.

AND WHEREAS, vide order dated 22/12/2022 in Writ Petition 17509/2022 and CM appeal 55873/2022, Hon'ble High Court of Delhi has directed as below:

"Considering that the review application has already been filed in October, 2022, the submissions made by the Petitioner in the present writ petition be also consider by the Respondents. For this purpose, the Petitioner may appear before the authorities on 10th January, 2023 through an authorized representative. The decision on the said representation be taken by 25th January, 2023. the said decision shall be communicated to the petitioner. All Remedies of the petitioner qua the said decision are left open."

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(पवन कुमार)
(PAWAN KUMAR)
अवर सचिव/Under Secretary
गृह मंत्रालय
Ministry of Home Affairs
भारत सरकार/Govt. of India

AND WHEREAS, vide compliance letter dated 03/01/2023, Mr. Rupesh Gupta the advocate of Mr. Jayantkumar Chandubhai Patel, intimated that the petitioner would appear before the authority through the authorized representative on the date fixed i.e. 10/01/2023 in light of the order of the Hon'ble High court of Delhi.

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AND WHEREAS, a personal hearing was held on 10/01/2022. Advocate Rupesh Gupta and Advocate Bhargava Ashok as representatives of Mr. Jayantkumar Chandubhai Patel appeared before the Joint Secretary (Foreigners - II).

AND WHEREAS, the advocates of Mr. Jayantkumar Chandubhai Patel stated that the authorities appear to have confused the applicant's name or identity with some another foreigner and requested to re-examine the blacklisting case if the applicant is the same person against whom the LOC was generated for involvement in drug smuggling.

AND WHEREAS, advocates of Mr. Jayantkumar Chandubhai Patel vide email dated 12/01/2023 made available to this Ministry copies of passports issued to him at various point of time.

AND WHEREAS, Mr. Jayantkumar Chandubhai Patel's aforesaid review application has been carefully examined in this Ministry vis-à-vis details provided by his advocates and it is observed that the foreigner who was blacklisted is Mr. Jayantkumar Chandubhai Patel. The identity details of the two match.



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NOW THEREFORE, in exercise of powers conferred under the section 15A of the Citizenship Act, 1955, and in compliance with the Hon'ble High Court of Delhi's Order dated 22/12/2022, the competent authority in the Central Government, hereby upholds the decision of revocation of registration as an OCI Cardholder of Mr. Jayantkumar Chandubhai Patel communicated vide the High Commission of India, Dar-Es-Salaam, Tanzania's email dated 24/05/2018. The review application of Mr. Jayantkumar Chandubhai is therefore found devoid of merit, hence dismissed.

This issued with the approval of the Competent Authority.

(Ashutosh Anand)

Under Secretary to the Govt. of India

Telephone 23077515

e.mail: usctzn-2@mha.gov.in

25/10
पवन कुमार)
PAWAN KUMAR)
र सचिव / Under Secretary
गृह मंत्रालय
istry of Home Affairs
Govt. of India

**Mr. Jayantkumar Chandubhai Patel,
Plot No. 1413, Yachtclub Road,
Msasani Peninsula, P.O. box 200066,
Dar-Es-Salaam, Tanzania.**

8. A perusal of the above indicates that the impugned review order which was passed pursuant to the directions dated 22.12.2022¹ of this Court in W.P.(C) 17509/2022, does not reveal any specific reason for revocation of the OCI Card of the petitioner.

9. Even otherwise, in terms of the dicta laid down in *Khalid Jahangir Qazi* (supra) and *John Robert Roughton III* (supra) the legal position is well settled that a specific show cause notice is required to be served on the OCI Cardholder putting him to notice as to the basis for proposed action sought to be taken so that the OCI Cardholder can meaningfully respond thereto. In *Khalid Jahangir Qazi* (supra), it was observed as under:

¹ 6. Heard. Considering that the review applications has already been filed in October, 2022, the submissions made by the Petitioner in the present writ petition be also considered by the Respondents. For this purpose, the Petitioner may appear before the authorities on 10th January, 2023, through an authorized representative. The decision on the said representation be taken by 25th January, 2023. The said decision shall be communicated to the Petitioner. All remedies of the Petitioner qua the said decision are left open.



“49. Section 7D of the Citizenship Act, as amended by the Citizenship (Amendment) Act, 2019, introduced a significant procedural safeguard by embedding the principles of natural justice into the cancellation process for OCI cardholders. Effective from 10th January, 2020, this amendment added a crucial proviso to Section 7D, mandating that no order to cancel OCI registration shall be issued without first granting the cardholder a reasonable opportunity to be heard. This right to a fair hearing embodies the principles of natural justice, a concept has been long recognized by the Courts. In this context, the right to a “reasonable opportunity of being heard” does more than merely allow a cardholder to state their case; it mandates a level of transparency and specificity in the grounds for cancellation. The government is required to provide clear reasons for the proposed action so that the OCI cardholder can respond meaningfully, safeguarding the procedural fairness that natural justice principles intend to protect.

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52. The Citizenship Act, particularly Section 7D affords a right to be heard before cancellation of OCI status. In contrast, under Section 3(2) of the Foreigners Act does not mandate these procedural protections, allowing for broad discretion in matters of national security or public order. Although this does not present a direct conflict, certain areas do create a need for a balanced interpretation to ensure coherence and avoid incompatibility.

53. Since Legislature has enacted two statutes covering related issues, it is presumed that both are meant to coexist. Such an interpretation is necessary as both statutes address grounds like national security and public interest as ground for restricting OCI cardholders to enter the country. While the Citizenship Act provides a comprehensive regulatory framework applicable to OCI cardholders, the Foreigners Act may still apply in situations where a broader public interest requires uniform treatment of all foreign nationals. As per our analysis, it emerges that while Foreigners Act applies to OCI cardholders, the Citizenship Act confers on them a unique status with distinct rights and procedural protections. Considering this, a harmonious interpretation is necessary to enable the operation of both statutes alongside each other, upholding the legislative intent of each legislation. Therefore, where the grounds for blacklisting an OCI cardholder mirror those for cancellation under Section 7D of the Citizenship Act, the procedural safeguards under Section 7D should be extended to the blacklisting process. This means



that even when invoking Section 3 of the Foreigners Act, the government should observe procedural fairness by allowing the OCI cardholder an opportunity to respond when the grounds for blacklisting are one of the grounds mentioned under Section 7D. This interpretation is in consonance with the legislative intent, and the object and reasons behind the amendment of Citizenship Act, which recognizes OCI cardholders and grants them rights that set them apart from ordinary foreigners.”

10. The above position was reiterated in **John Robert Roughton III** (supra). The relevant paragraphs thereof are as under:

“22. Furthermore, Section 7-D of the Citizenship Act, 1955, prescribes the conditions under which an OCI cardholder’s registration may be cancelled. Significantly, it mandates that no cancellation can take place without providing the affected individual with a “reasonable opportunity of being heard.” The said provision reads as under :-

“7D. Cancellation of registration as Overseas Citizen of India Cardholder .- The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A, if it is satisfied that-

- (a) the registration as an Overseas Citizen of India Cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or
- (b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution, as by law established; or
- (c) the Overseas Citizen of India Cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or
- (d) the Overseas Citizen of India Cardholder has, within five years after registration under sub-section (1) of section 7A, been sentenced to imprisonment for a term of not less than two years; or
- (da) the Overseas Citizen of India Cardholder has violated any



of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or

(e) it is necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; or

(f) the marriage of an Overseas Citizen of India Cardholder, who has obtained such Card under clause (d) of subsection (1) of section 7A,-

(i) has been dissolved by a competent court of law or otherwise; or

(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person:]

[Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard.]”

23. As such, the principles of natural justice have been embedded and made part of the statutory procedure envisaged for cancelling the registration of an OCI cardholder.

24. In the present case, the respondents have taken a stand that the petitioner has been blacklisted under section 3 of the Foreigners Act, and blacklisting has an overriding effect on all kinds of visas, including an OCI card, which is also a lifelong visa granted to eligible foreign nationals. There is no liability on the respondent to even tell the petitioner the reason for such blacklisting, let alone providing them the opportunity of being heard.

25. However, the said stand of the respondent is contrary to the authoritative pronouncement of this Court in *Khalid Jahangir Qazi through his power of Attorney Holder Ms. Farida Siddiqi v. Union of India through Secretary and Others and connected matter*, 2024 SCC OnLine Del 7847. This Court reaffirmed that while Section 3 of the



Foreigners Act, 1946, does not expressly provide for a hearing, the procedural safeguards under Section 7-D of the Citizenship Act must be harmoniously read into cases involving OCI cardholders, particularly when blacklisting them effectively negates their rights under the Citizenship Act. The Court cautioned against using the Foreigners Act to bypass the procedural safeguards embedded in the OCI framework. The relevant portion of the said judgment is reproduced as under:-

“49. Section 7-D of the Citizenship Act, as amended by the Citizenship (Amendment) Act, 2019, introduced a significant procedural safeguard by embedding the principles of natural justice into the cancellation process for OCI card-holders. Effective from 10-1-2020, this amendment added a crucial proviso to Section 7-D, mandating that no order to cancel OCI registration shall be issued without first granting the cardholder a reasonable opportunity to be heard. This right to a fair hearing embodies the principles of natural justice, a concept has been long recognised by the courts. In this context, the right to a “reasonable opportunity of being heard” does more than merely allow a card-holder to state their case; it mandates a level of transparency and specificity in the grounds for cancellation. The Government is required to provide clear reasons for the proposed action so that the OCI card-holder can respond meaningfully, safeguarding the procedural fairness that natural justice principles intend to protect.

50. Furthermore, Section 7-D begins with the mandate that the Central Government must be “satisfied” that the grounds for cancellation are justified. The term “satisfied” emphasises that a high standard of decisional fairness is expected, where the reasons for cancellation are explicit, allowing the card-holder a genuine opportunity to engage with the basis for the action. Therefore, for any cancellation order to withstand judicial scrutiny, it must not only be grounded in specific, reasonable grounds but must also reflect a process that meets both substantive and procedural reasonableness.

51. Consequently, the 2019 amendment's requirement of a “reasonable opportunity of being heard,” when read along with the requirement of “satisfaction,” manifests that an order to cancel OCI registration must transparently reflect



both the grounds for cancellation and a fair decision-making process. This combination of principles ensures that any adverse action taken under Section 7-D must meet the test of reasonableness and fairness. Therefore, the Government's decision for cancellation should be clear, justified, and procedurally sound and apposite. Reconciling the Citizenship Act and Foreigners Act: need for harmonious construction

52. The Citizenship Act, particularly Section 7-D affords a right to be heard before cancellation of OCI status. In contrast, under Section 3(2) of the Foreigners Act does not mandate these procedural protections, allowing for broad discretion in matters of national security or public order. Although this does not present a direct conflict, certain areas do create a need for a balanced interpretation to ensure coherence and avoid incompatibility.”

53. Since legislature has enacted two statutes covering related issues, it is presumed that both are meant to co-exist. Such an interpretation is necessary as both statutes address grounds like national security and public interest as ground for restricting OCI card-holders to enter the country. While the Citizenship Act provides a comprehensive regulatory framework applicable to OCI card-holders, the Foreigners Act may still apply in situations where a broader public interest requires uniform treatment of all foreign nationals. As per our analysis, it emerges that while the Foreigners Act applies to OCI card-holders, the Citizenship Act confers on them a unique status with distinct rights and procedural protections. Considering this, a harmonious interpretation is necessary to enable the operation of both statutes alongside each other, upholding the legislative intent of each legislation. Therefore, where the grounds for blacklisting an OCI card-holder mirror those for cancellation under Section 7-D of the Citizenship Act, the procedural safeguards under Section 7-D should be extended to the blacklisting process. This means that even when invoking Section 3 of the Foreigners Act, the Government should observe procedural fairness by allowing the OCI card-holder an opportunity to respond when the grounds for blacklisting are one of the grounds mentioned under Section 7-D. This interpretation is in consonance with the legislative intent, and the object and



reasons behind the amendment of Citizenship Act, which recognises OCI card-holders and grants them rights that set them apart from ordinary foreigners.

54. If this safeguard is not applied, we would run the risk of undermining the very purpose of the OCI scheme, as it would enable authorities to bypass the specific protections and privileges granted to OCI cardholders by indiscriminately invoking the Foreigners Act. Such an approach would conflict with the doctrine of non-retrogression—principle of progressive realisation of rights and by discouraging any regressive measures that undermine established rights—effectively weakening the OCI framework by treating card-holders as ordinary foreigners. Allowing the State to circumvent the safeguards embedded in the OCI scheme would erode the privileges the legislature intended for OCI card-holders, undermining both the purpose and object of the status of OCI card-holders under the Citizenship Act, 1955, and rendering their protections redundant. The result would be that an OCI card-holder, though technically retaining their registration, would effectively be prevented from exercising the rights afforded by that status. The long-term visa rights conferred under the OCI scheme would, in effect, be nullified without due process, denying the card-holder of the intended benefits.”

26. This Court further finds weight in the argument of the petitioner that the Respondents’ reliance on Union of India v. Savitha Kumar (supra) is not valid because the decision was made before the amendment to Section 7D, which introduced the requirement of prior notice and hearing. This position is also validated by the order dated 03.08.2023 passed in Khalid Jahangir Qazi through his power of Attorney Holder Ms. Farida Siddiqi v. Union of India through Secretary and Others and connected matter W.P.(C)-7755/2023. The relevant portion of the order dated 03.08.2023, is reproduced as under –

“7. Learned Counsel for the Respondent draws the attention of this Court to the Judgment dated 28.08.2019, passed by this Court in LPA No.219/2019, titled as Union of India v. Savitha Kumar, and more particularly to paragraph No.5 of the said Judgment to contend that prior intimation is not needed before passing an order blacklisting an OCI card



holder.

8. *This contention of the learned Counsel for the Respondent cannot be accepted for the reason that the Judgment dated 28.08.2019 was passed prior to the amendment in the Citizenship Act. After amendment in the year 2019 a proviso to Section 7D (f) of the Act has been added which mandates that no order shall be passed against the Overseas Citizen of India Cardholder unless he has been given a reasonable opportunity of being heard.”*

27. *In the present case, the petitioner has not been granted an opportunity to be heard, and has also not been informed about the grounds for his deportation/blacklisting. At the time of deportation, he was neither informed that he had been blacklisted nor given an opportunity to contest the allegations against him.*

28. *The expression reasonable opportunity of being heard has been interpreted by the Supreme Court in a catena of cases. It is now well settled that the same subsumes an effective opportunity to meet the relevant allegations. Necessarily, the same also takes within its sweep the entitlement to being informed about the grounds for taking the proposed action.”*

11. In the present case, as noticed, neither the review order dated 07.02.2023 passed in file bearing no. F.No.26011/CC/16/2018-OCI, nor the original revocation order dated 24.05.2018 contains any reason/s. Given that there is evident non-compliance with the requisite procedural requirements, the impugned orders cannot sustain.

12. Accordingly, the order dated 24.05.2018 and the subsequent order dated 07.02.2023 passed in proceedings under Section 15A of the Citizenship Act, are set aside.

13. The petition is allowed in the above terms. Pending application also stands disposed of.

SEPTEMBER 18, 2025/r, ss

SACHIN DATTA, J