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

% ***Date of Decision: November 17th, 2026***

\# **CNR No. DLHC010248312026**

\+ **W.P.(C) 7554/2026 & CM APPL. 36558/2026, CM APPL. 38483/2026**

LISA HALL SRIVASTAVA .....Petitioner

Through: Mr. Zahied F Chouhan, Ms. Iqura Khan, Ms. Nida Parveen & Mr. Kunwar Sultan Ali, Advs.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Usha Jamnal, Ms. Nyasa Sharama, Mr. Abhinav Mall, Ms. Nishtha Dhall & Ms. Harshita Chaturvedi, Advs. for UOI

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The Petitioner has filed the present petition under Article 226 of the Constitution of India, essentially seeking, a direction to the Respondents to convert her existing e-Tourist Visa (valid till 14.09.2027) into an Entry (X-1)/Spouse Visa on the basis of her marriage with an Indian citizen, namely, Mohd. Wasim Akram. The reliefs sought are as under: -

> *1. Issue a Writ of Mandamus or any other appropriate writ, order, or directing Respondent No. 2 (FRRO, Delhi) to convert the e-tourist Visa and grant the Spouse Visa to the Petitioner*

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on the application filed by the Petitioner on 27.03.2026, in the interest of justice.

2. Quash and set aside the impugned e-mails/ informal rejection of the Petitioner's Spouse Visa application, as being arbitrary, illegal, perverse, without jurisdiction, and violative of Articles 14 and 21 of the Constitution of India and the principles of natural justice;

3. Pass an ex-parte ad interim stay order restraining the Respondents, their agents, officers, and all persons acting under their authority, from taking any coercive action against the Petitioner, including but not limited to cancellation/annulment of her existing e-Tourist Visa, initiation of deportation proceedings, or any other adverse action, during the pendency of this petition;

4. May this Hon'ble Court be pleased to adjudicate the larger constitutional issue as to whether an executive authority can, merely on the basis of subjective suspicion, personal perceptions, or moral assumptions, and in the absence of any adjudicatory determination by a competent Court of law, disregard a marriage lawfully solemnized and recognized under Indian law, ignore a valid Marriage Certificate duly issued by the competent Marriage Officer, and thereby forcibly disrupt and separate two legally wedded spouses residing together in a genuine matrimonial relationship, in complete derogation of their rights guaranteed under Article 21 of the Constitution of India.

5. May this Hon'ble Court be pleased to issue appropriate directions to the Respondents to frame and implement suitable guidelines and procedures mandating that interviews relating to visa grant, extension and visa conversion arising out of matrimonial relationships be conducted in camera and in a dignified manner, so as to safeguard the privacy, dignity, and matrimonial sanctity of the spouses and to prevent arbitrary harassment, humiliation, or intrusive questioning by executive authorities.

6. Award compensation of INR 5,00,000/- (Rupees Five Lakh Only) to the Petitioner for the financial losses, extreme emotional distress, mental anguish, and severe inconvenience caused by the arbitrary and unconstitutional action of the Respondents;

7. May grant a detailed personal hearing/representation to the Petitioner before the concerned authority in the presence of her

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Advocate/counsel, so as to afford the Petitioner a meaningful and fair opportunity to place all documents, facts, and submissions before the deciding authority prior to any final determination of her Spouse Visa application. Respondent No.2 / FRRO is directed to maintain status quo and not deport or seek Petitioner's exit, and to re-process her visa conversion application upon personal hearing, pending final disposal of this petition."

8. Any other relief which this Hon'ble Court deems fit and proper is granted in favour of the Petitioners."

2. Succinctly stated, it is the case of the Petitioner, a citizen of the United States of America, that she solemnised her marriage with Shri Mohd. Wasim Akram on 07.12.2025 in accordance with Muslim rites and customs and, subsequently, the marriage was also solemnised before the Marriage Officer under the Special Marriage Act, 1954, on 18.03.2026. It is contended that, an application was filed before the FRRO claiming that in view of the marriage with an Indian citizen the Petitioner is entitled to conversion of her existing e-Tourist Visa into an Entry (X-1) Visa. The Petitioner alleges that despite submitting the requisite documents, the Respondents have not processed her application favourably and have, instead, subjected her and her husband to repeated enquiries, on the ground of the age difference between them.

3. This Court has perused the Counter Affidavit filed on behalf of the Respondents.

4. It has been explained that the Petitioner's application was examined by the competent authority after taking into consideration her immigration history and the surrounding circumstances. It is submitted that the Petitioner had earlier been married to one Mr.

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George Daniel Williamson, an OCI card holder, on the basis of which she had obtained OCI status, which, following dissolution of the first marriage in July 2021, was cancelled in November 2023. Thereafter, the Petitioner entered into another matrimonial relationship with Shri Deepak Srivastava in December, 2022 and had sought visa conversion and extension on that basis as well. Despite repeated attempts, the Petitioner was unable to obtain the immigration benefits sought by her on account of deficiencies in the supporting documentation and the said second marriage also came to an end in November, 2025, before it could culminate into any immigration status change.

5. It has been further explained that this is her third marriage with Mohd. Wasim Akram and the enquiry conducted in respect of the Petitioner's present application was not founded merely upon the age difference between the Petitioner and her present husband. The competent authority also took into consideration the Petitioner's successive matrimonial relationships, her prolonged stay in India, her previous applications seeking immigration benefits on the basis of matrimonial relationships, her residential arrangements and the explanations furnished by her regarding her source of income and means of sustenance. She was unable to furnish any satisfactory responses and explanations regarding the purpose and nature of her prolonged stay in India over the preceding years.

6. It is also pointed out that the Petitioner had been residing as a tenant in premises owned by Mohd. Wasim Akram even prior to the present marriage and that the records further indicated that Shri Mohd. Wasim Akram had accompanied the Petitioner during the period when

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she was pursuing immigration benefits on the basis of her earlier marriage with Shri Deepak Srivastava. Thus, on an overall consideration of the aforesaid circumstances, the competent authority formed a *prima facie* opinion that the present marriage is a marriage of convenience and that the possibility of financial or contractual arrangements for facilitating immigration benefits could not be ruled out.

7. The Respondents have further explained that the Petitioner's application has accordingly been processed as an Exit Permit Request, which is stated to be pending on account of non-compliance by the Petitioner. The respondents have also placed on record the Exit Permit Payment Request.

8. This Court finds that the explanation furnished by the Respondents in the Counter Affidavit is satisfactory and the suspicion is well-founded.

9. Thus, considering the totality of circumstances, the Petitioner, a foreign national, essentially seeks issuance of directions to secure her stay in India and her claim is destined to fail because there is no inherent or legally enforceable right of a foreign national to seek entry or stay into India. The mere fact that the Petitioner has entered into a marriage with an Indian citizen does not, by itself, confer an automatic or indefeasible right to conversion of her existing visa into an Entry (X-1) Visa.

10. The grant, conversion and extension of visas, as well as the regulation of the stay of foreign nationals in India, fall within the domain of the competent authorities under the Immigration and

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Foreigners Act, 2025 and the rules/orders framed thereunder. The Immigration and Foreigners Act, 2025 authorises the Central Government to make provisions, either generally or with respect to all foreigners, for prohibiting, regulating or restricting the entry of foreigners into India or, their departure therefrom or their presence or continued presence therein. The respondent authorities can therefore or rather be entitled to take into consideration all the relevant factors that may warrant scrutiny.

11. At this juncture, it is pertinent to note that the Hon'ble Apex Court in the case of ***Louis De Raedt v. Union of India*: 1991 (3) SCC 544**, affirmed that the fundamental rights of a foreigner are confined to Article 21 of the Constitution of India in relation to life and liberty and did not include the right to reside and settle in this country. It was noted as follows: -

> *"13. The next point taken on behalf of the petitioners, that the foreigners also enjoy some fundamental rights under the Constitution of this country, is also of not much help to them.* ***The fundamental right of the foreigner is confined to Article 21 for life and liberty and does not include the right to reside and settle in this country,*** *as mentioned in Article 19(1)(e), which is applicable only to the citizens of this country. It was held by the Constitution Bench in Hans Muller of Nurenburg v. Superintendent, Presidency Jail, Calcutta [(1955) 1 SCR 1284: AIR 1955 SC 367: 1955 Cri LJ 876] that the power of the government in India to expel foreigners is absolute and unlimited and there is no provision in the Constitution fettering this discretion.* ***It was pointed out that the legal position on this aspect is not uniform in all the countries but so far the law which operates in India is concerned, the executive government has unrestricted right to expel a foreigner. So far the right to be heard is concerned, there cannot be any hard and fast rule about the manner in which a person concerned has to be given an opportunity to place his case,*** *and it is not*

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claimed that if the authority concerned had served a notice before passing the impugned order, the petitioners could have produced some relevant material in support of their claim of acquisition of citizenship, which they failed to do in the absence of a notice."

12. The reading of the aforesaid as well as the statutory framework, thus, make it abundantly clear that the entry or stay of a foreign national in India is not a matter of enforceable right against the State but a matter of sovereign discretion **[Ref. *Randa Chehab v. Union of India & Ors* : 2023:DHC:9126].**

13. Thus, in the present case, a foreign national cannot claim an unconditional right to reside in India or insist upon the grant of a particular category of visa merely on the basis of a matrimonial relationship.

14. No doubt, the Petitioner has placed reliance upon the marriage certificate issued under the Special Marriage Act, 1954. However, the issuance of a marriage certificate does not, by itself, foreclose the power of the competent immigration authority to examine the surrounding circumstances and the Petitioner's eligibility for grant of the visa sought.

15. Notably, no affidavit has been placed on record by Mohd. Wasim Akram, the Petitioner's husband, to corroborate the Petitioner's assertions regarding their matrimonial relationship, cohabitation and the circumstances surrounding the marriage. While the absence of such an affidavit cannot, by itself, determine the genuineness or otherwise of the marriage, it is a relevant circumstance in considering the material placed before this Court in support of the Petitioner's claim.

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16. Even otherwise, it is not the function of this Court, in exercise of judicial review, to substitute its own assessment for that of the competent authority in a matter concerning admission of a foreign national.

17. It is also trite that the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India can be invoked only where there is a violation of a right.

18. However, it is clarified that this Court has not undertaken any adjudication as to the validity or genuineness of the marriage. The observations made herein are confined to the Petitioner's claim for immigration benefits and the action of the Respondents in examining her application. If any representation is pending consideration or is filed in future, the same be decided by the Respondents, in accordance with law.

19. In view of the foregoing discussion, the petition is dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J

NOVEMBER 17, 2026
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