

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Through Virtual Mode)**

LPA No.118/2025
CM No.3737/2025 c/w
LPA No.121/2025
CM No.3807/2025

Union of India

...Petitioner(s)/Appellants.

Through: Mr. Tushar Mehta, SGI, with
Mr. Ankur Sharma, Advocate.
Mr. Himani Khajuria, Advocate.
Mr. Vishal Sharma, DSGI.
Ms. Monika Kohli, Sr. AAG.

Vs.

Rakshanda Rashid and others.

....Respondent(s)

Through: Ms. Surinder Kour, Sr. Advocate, with
Ms. Manpreet Kour, Advocate, for R1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

30.07.2025

1. Vide this order, we shall decide two appeals filed against a common order dated 06.06.2025, whereby the Writ Court directed the Ministry of Home Affairs, Government of India, to bring the petitioner (**Rakshanda Rashid**) who was deported to Pakistan, back to India, within a period of ten days from the date of the order.

2. In brief, the case set out by the appellant before the learned Single Judge as also this Court is that concededly Rakshanda Rashid D/o Mohd. Rashid happens to be a Pakistani national R/o H.No.22 Namuddin Road F6-I Islamabad. Initially, she entered India on February 10, 1990 via Attari Rail Amritsar on visitor-visa for 14 days to visit Jammu City. But continued to stay owing to a long term visa (LTV) granted by the authorities on year to year basis. And during her stay, she revealed that she

had married an Indian National. It wasn't disputed either that respondent's LTV was valid up to **January 13, 2025**, and she applied for extension on **January 4, 2025**. But no such extension was ever approved/ accorded. That following the Pahalgam terror incident, the competent authority in exercise of power under Section 3(1) of the Foreigners Act, 1946, issued an order dated April 25, 2025 thereby revoking all existing valid Visas with immediate effect subject, however, to certain exceptions. **On April 28, 2025**, Rakshanda Rashid was served with a Leave India Notice under Section 3(1) 7(1) & 2(c) of the Immigration and Foreigners Act 2025, issued by the Criminal Investigation Department (Special Branch Jammu), to leave the Country by or before April 29, 2025. Being aggrieved she approached this Court vide WP(C) No.1072/2025. And by way of interim relief she prayed for stay of operation of the impugned order dated April 28, 2025. Whereas, the uncontroverted position on record is that pursuant to the Leave India Notice, she was issued an exit permit and was escorted to Attari Wagha Border, Amritsar, by the authorities. And whereupon she crossed over to Pakistan after availing the said exit permit on **April 29, 2025 at 4:30 pm**. However, the learned Single Judge vide an interim order directed the appellants to bring the **deportee** back to India. The said order is being assailed in these appeals on multiple grounds.

3. We had heard learned Solicitor General of India, appearing for the appellants as also the learned senior counsel for the caveator/ respondent on July 2, 2025 at length and while issuing notice, the operation of the impugned order dated 06.06.2025 was stayed. However, on July 22, 2025 when the matter was taken up, Mr. Tushar Mehta, learned Solicitor General of India, requested the Court to defer the proceedings to enable him, without prejudice to the rights/ interests of the appellants to explore if the respondent could be helped in any manner or if it was still feasible to address her concerns, to intervene and discuss the matter with the competent authority. Accordingly, the appeals were posted for July 30, 2025.

4. And today, learned Solicitor General of India, informed the Court that after much deliberations and considering the peculiarity of facts and unusual factual position obtaining in the matter, an in principle decision is

taken by the authority to grant a **visitor's visa** to the respondent. And thereafter, she may even, if so advised, pursue the two applications that are purportedly moved by her and pending with the respective authority as regards acquiring Indian citizenship as also the long term visa.

5. In response, learned counsel for the respondent, on instructions, submits that she is fully agreeable to the course suggested by the learned Solicitor General of India. And thus, she submits that these appeals be disposed of in terms of the stand set out on behalf of the appellants and the statement made before this Court. Accordingly, it is urged that writ petition [WP(C) No.1072/2025] filed by the respondent be also deemed to have been withdrawn. However, in the given circumstances, the appellants be directed to expedite the process of granting a visitor's visa to the respondent.

6. As to this, learned Solicitor General of India submits that once an in principle decision is taken by the competent authority, there is hardly a room for any doubt that post compliance of the requisite procedure and formalities, the authority would not process and accord a visitor's visa to the respondent at the earliest.

7. In the wake of the positions sketched out above and in terms of the statements made by learned counsel for the parties, the appeals are, accordingly, disposed of. The writ petition [WP(C) No.1072/2025] filed by the respondent is deemed to have been withdrawn. And as a natural consequence, the impugned order, interim in nature, loses its relevance and, thus, cease to exist/ operate.

8. We may, however, hasten to clarify that in principle decision taken by the authorities centered upon the peculiar facts and circumstances of the present case, shall not constitute a precedent in any manner.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
30.07.2025
Abdul Qayoom, Secy.