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

+ **W.P.(C) 3959/2021**

IBRAHIM ALI & ORS.....Petitioners

Through: Mr. Kamlesh Kumar Mishra,
Advocate

versus

UNION OF INDIA & ORS.....Respondents

Through: Mr. Dev P.Bhardwaj, Advocate for
Respondent No.1
Mr. Naushad Ahmad Khan, Advocate
for Respondent No.2

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **04.05.2021**

1. This hearing has been done through video conferencing.
2. The status report dated 3rd May, 2021 has been received on behalf of the SHO, PS Kamla Market. The said report reads as under:

“It is submitted that on 24.03.21, an information regarding stucked of three Bangladesh citizens in Delhi was received at PS Kamla Market, Delhi. An enquiry was conducted in this matter and it is found that three Bangladeshi citizens namely (1) Ibrahim Ali S/o Sona Miya, Age - 21 Yrs R/o Guva Khola, Nuapara, Jessore, PS Abhay Nagar, Bangladesh, (2) Aasad Sardar S/o Challam Sardar, Age- 16 Yrs, R/o do & (3) Sabuj Fakir S/o Babu, Age -21 Yrs R/o do, were present in the SPYM shelter home, Code No.- 176, situated at Asaf Ali Road, adjoining to the Delhi Police Bhawan. Efforts were made to gather information about their family members but due to

language problem could not be successful. All the above mentioned Bangladeshi citizens could not provide any documentary proof in their support but according to their version all of them were belongs to the country Bangladesh.

In this connection a request letter for deportation of above said three Bangladeshi citizens was sent to Bangladeshi High Commission through official mail ID of SHO Kamla Market, Delhi and hard copy of the said request also has been served to the Bangladeshi High Commission vide dispatch No. 813/SHO/KM Dated 24.03.21. All the above three Bangladeshi are still halting in the above said shelter home. Necessary direction had been given to the care taker of the above said shelter home. As per the SCRB record all the above three Bangladeshi have not been found previously involved in any case. It is further submitted that undersigned shall abide by the directions which this Hon'ble High Court may choose to pass.”

3. From the above report, it is clear that the Petitioners claim to be Bangladeshi citizens though they do not have any documentary proof of the same. They were found in a shelter home, as mentioned in the petition. Further, they were found to have not been involved in any criminal or other case.
4. Since the above three facts have been confirmed by the PS Kamla Market, the Ministry of Home Affairs (*hereinafter*, “MHA”) to place on record the procedure for repatriation, adopted in respect of such foreign nationals, who do not have any documents.
5. Insofar as the Bangladeshi High Commission is concerned, the status report clearly mentions that a request letter for deportation has been served on the High Commission on 24th March, 2021. If any communication is

received from the High Commission, the same may be communicated by the counsel for the MHA within a period of two weeks.

6. The MHA shall also place on record the following:

(i) The procedure to be adopted in such cases where no documentary evidence exists in respect of the nationality of a foreign national;

(ii) The procedure for repatriation/deportation of such foreign nationals; and

(iii) If such a procedure exists, the time period and formalities to be completed for the same.

7. Let the affidavit/report on behalf of the MHA be filed by 13th May, 2021. If the same is not filed, a senior official of the MHA shall remain present on the next date of hearing.

8. List on 17th May, 2021.

PRATHIBA M. SINGH, J

MAY 4, 2021

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