



\$~3

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

+ W.P.(C) 16823/2022

ASHOK SWAIN

..... Petitioner

Through: Mr. Aadil Singh Boparai, Mr. Sumer Singh Boparai, Ms. Srishti Khanna, Mr. Sidhant Saraswat, Mr. Sachin Kumar, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.Gokul Sharma, GP, Ms. Srishti Rawat, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

10.07.2023

%

1. The Petitioner seeks to challenge Order dated 08.02.2022 passed by the Counsellor (Consular & Culture, Embassy of India, Stockholm) cancelling the registration of the Petitioner as an Overseas Citizen of India (OCI).

2. It is stated that the said exercise of power is under Section 7D(e) of the Citizenship Act on the ground of the Petitioner indulging in activities which are prejudicial to the interest of the sovereignty and integrity of India, security of India, friendly relations of India with any foreign country or in the interest of the general public. The said impugned Order reads as under:-

“This is with reference to your letter dated 25



November 2020 addressed to the undersigned containing your response to Show Cause Notice dated 6 November 2020 issued by this embassy regarding the cancellation of the Overseas Citizen of India (OCI) card issued to you.

The said reply has been examined by the authorities concerned in the Government of India. This is to convey that your reply to the Show Cause Notice has not been found satisfactory.

Therefore in exercise of power conferred under the section 7D(e) of the citizenship act. 1955 the government of India through the Indian Embassy in Stockholm, hereby cancel the registration as OCI cardholder granted to Mr. Ashok Swain with immediate effect.

According in terms of rule 35(1) of the citizenship rules, 2009 you are hereby directed to deliver the OCI card bearing number A3774535 to the undersigned within 15 days from the date of receipt of this letter failing which it shall be treated as cancelled under rules 35(2) of the citizenship rules, 2009 after expiry of 15 days from date of receipt of this letter.”

3. Other than repeating the Section as a *mantra*, no reason has been given in the order as to why the registration of the Petitioner as an OCI card holder has been revoked. It is well settled that reasons act as a link between the actual decision and the thought process of the decision maker. Reasons in an order demonstrates that the order is not a result of caprice, whims or fancies and has been arrived at after considering the facts and it reflects and establishes that the decision was just. Therefore, the Respondents are directed to pass a detailed order giving reasons for exercising powers under



Section 7(D)(e) of the Citizenship Act.

4. In view of the above, the impugned Order is set aside. The Respondents are directed to complete the exercise within three weeks from today.

5. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 10, 2023

hsk