



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 10453 OF 2026 (GM-PASS)

BETWEEN:

MR. CHRISTOPHE STEPHANE MONXION
S/O GUY MONXION
AGED ABOUT 54 YEARS
C/A HOTEL GREEN (OM HOTEL)
INTERNATIONAL GOKARNA
HITTALAMAKKI
UTTARA KANNADA - 581 326.

...PETITIONER

(BY SRI. NITIN A M., ADVOCATE)

AND:

THE FOREIGNERS REGIONAL
REGISTRATION OFFICER
FOREIGNERS REGIONAL REGISTRATION
OFFICE (FRRO)
BUREAU OF IMMIGRATION (BOI)
(MHA) GOVERNMENT OF INDIA
5TH FLOOR, 'A' BLOCK
TTMC BMTc BUS STAND BUILDING
SHANTHINAGAR, K.H. ROAD
BENGALURU - 560 027.

...RESPONDENT

(BY SRI. H SHANTHI BHUSHAN, DSGI)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE LEAVE INDIA NOTICE ISSUED TO THE PETITIONER BY THE RESPONDENT VIDE NO.03/FRRO/BOI (BLR)/F1/LIN/2026-26 DATED 16.03.2026 i.e., ANNEX-B AND ETC.,





THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner in the above writ petition, a citizen of France, holding a valid passport and a subsisting tourist visa, is before this Court calling in question the impugned "Leave India Notice" dated 16.03.2026 issued by the respondent, produced at Annexure-B, and has further sought for issuance of a writ in the nature of mandamus directing the respondent to consider the representations submitted by the petitioner through e-mails dated 24.03.2026 and 27.03.2026, produced at Annexure-C.

2. The facts, in brief, leading to the filing of the present petition are that the petitioner is aggrieved by the impugned notice dated 16.03.2026, which is stated to have been communicated to the petitioner through the WhatsApp platform, directing him to leave India forthwith.



It is the specific case of the petitioner that he is a law-abiding foreign national, holding a valid passport with validity up to 17.10.2032, and is also in possession of a valid tourist visa bearing No.VL3398736, issued on 25.11.2025 and valid till 24.11.2026.

3. Placing reliance on the aforesaid undisputed documents, the petitioner asserts that his entry into India is lawful and his continued stay within the territory of India is duly authorized under the visa granted by the competent authority, and therefore, the issuance of the impugned "Leave India Notice" directing him to exit the country with immediate effect, without due consideration of his legal status and without affording an opportunity of hearing, is arbitrary, illegal, and unsustainable in law.

4. The challenge to the impugned "Leave India Notice" is primarily on the ground that the exercise of power by the respondent, purportedly under Section 7(2)(c) of the Foreigners Act, 2025, read with the relevant



notification issued by the Government of India, is wholly arbitrary, illegal, and unsustainable in law. The petitioner contends that such an action infringes the fundamental rights guaranteed under Article 21 of the Constitution of India, which, as consistently held, extends its protective umbrella not only to citizens but to all "persons," including foreign nationals residing within the territory of India.

5. The petitioner would further contend that the impugned notice is *ex facie* vitiated on account of absence of reasons. It is his specific grievance that the notice directing him to leave India has been issued in a mechanical manner without disclosing any basis or material, thereby rendering the action arbitrary and violative of the settled principles governing administrative fairness. In this regard, reliance is placed on the law laid down by the Hon'ble Apex Court in ***Hassan Ali Raihany vs. Union of India***¹, wherein it is held that such drastic measures affecting personal liberty must be preceded by

¹ (2006) 3 SCC 705



reasons and adherence to procedural safeguards. The said principle has also been reiterated by the Calcutta High Court as well as by this Court in analogous matters.

6. The petitioner also ventilates a serious grievance that the impugned notice is in blatant violation of the principles of natural justice. It is contended that no show-cause notice was issued prior to the issuance of the impugned "Leave India Notice," nor was the petitioner afforded any opportunity to submit his explanation or to be heard in the matter. The denial of such an opportunity, according to the petitioner, strikes at the very root of fairness in administrative action and renders the impugned notice arbitrary and legally unsustainable.

7. On the aforesaid grounds, the petitioner seeks indulgence of this Court for quashing of the impugned "Leave India Notice," contending that he is in lawful possession of a valid passport and a subsisting tourist



visa, and therefore, his continued stay in India is duly authorized in accordance with law.

8. Heard learned counsel for the petitioner and learned Deputy Solicitor General of India for the respondent. Having bestowed anxious consideration to the rival submissions and on perusal of the material placed on record, this Court is of the considered view that the impugned "Leave India Notice" does not suffer from any arbitrariness, illegality, or procedural infirmity warranting interference under Article 226 of the Constitution of India. The records placed by the respondent–authority disclose that the impugned action is founded on tangible inputs received from competent law enforcement and intelligence agencies, including the report dated 10.01.2026 and the communication issued by the Additional Director General of Police, State Intelligence. These materials prima facie indicate that the petitioner, though having entered India on a tourist visa, has indulged in commercial activities by running a restaurant, which is impermissible under the



visa regime, and has further been involved in disputes with landowners coupled with allegations of misconduct, including issuance of threats and inappropriate communications. In matters concerning foreign nationals, the State is vested with plenary powers to regulate their entry, stay, and exit, and such powers are an incident of sovereignty. When the competent authority, on the basis of credible material, arrives at a subjective satisfaction that the continued stay of a foreign national is not conducive to public order or is in violation of visa conditions, the issuance of a "Leave India Notice" cannot be lightly interfered with.

9. The contention of the petitioner founded on Article 21 of the Constitution, though attractive at first blush, does not advance his case in the facts of the present matter. It is trite that the protection under Article 21 extends to all "persons," including foreign nationals; however, the said protection is confined to ensuring that no person is deprived of his life or personal liberty except



in accordance with procedure established by law. The said guarantee cannot be expanded to confer a right to reside, settle, or carry on business within the territory of India. Such rights are traceable to Article 19(1)(e) and Article 19(1)(g) of the Constitution, which are expressly confined to citizens of India. Therefore, a foreign national, such as the petitioner, cannot claim, as a matter of right, entitlement to continue his stay in India or to engage in commercial activities, particularly when such activities are in clear violation of the conditions of the visa under which entry was permitted. The material on record clearly demonstrates that the petitioner has transgressed the permissible limits of a tourist visa and has engaged himself in running a restaurant and allied activities, which are not only unauthorized but also have given rise to disputes affecting local order.

10. This Court is also not persuaded to accept the contention that the impugned action is vitiated for non-compliance with principles of natural justice. In the



peculiar facts of the present case, where the competent authority has acted on inputs relating to violation of visa conditions and conduct having a bearing on public order, the requirement of a pre-decisional hearing cannot be stretched to the extent of paralysing the statutory powers vested under the Foreigners Act. The doctrine of natural justice is not an unruly horse and must yield to the exigencies of administration, particularly in matters involving regulation of foreign nationals. The records disclose that the action is based on objective material and cannot be said to be a mere ipse dixit of the authority.

11. Insofar as the reliance placed by the petitioner on the Division Bench judgment of this Court in ***Obinna Jeremiah Okafor & Another vs. Foreigners Regional Registration Office*** (FRRO) & Another² is concerned, a closer and more careful examination of the factual matrix therein would clearly indicate that the said judgment, far from advancing the case of the petitioner, in fact

² W.A.No.1503 of 2025



reinforces the position canvassed by the respondent–authority. In the said case, the appellants were foreign students who had entered India on valid student visas for the purpose of pursuing educational courses in recognized institutions. During the subsistence of their stay, the respondent–authorities had taken action to cancel their visas on the ground of violation of visa conditions and other regulatory requirements, and consequently issued directions requiring them to leave the country forthwith.

12. The Division Bench, while examining the challenge, took note of the fact that though the appellants had initially entered India lawfully on student visas, their continued stay was always subject to strict compliance with the conditions attached to such visas and the regulatory framework governing foreign students. The records placed before the Court in the said proceedings disclosed that there were violations attributed to the appellants which prompted the competent authority to cancel the visas. The Division Bench, advertent to the



settled legal position governing the rights of foreign nationals, categorically held that a foreigner does not have an indefeasible right to remain in India and that the power of the State to regulate or curtail such stay, including by directing exit from the country, is plenary in nature.

13. Significantly, the Division Bench declined to grant any indulgence to the appellants despite their plea that they were students in the midst of their academic pursuits. The Court held that once the competent authority, on the basis of material, arrives at a conclusion that there is a violation of visa conditions, the consequential action of cancellation of visa and direction to leave the country cannot be interdicted merely on sympathetic considerations. The Court further observed that judicial review in such matters is limited and does not extend to substituting the subjective satisfaction of the competent authority when such satisfaction is founded on relevant material.



14. Thus, the factual backdrop in the aforesaid writ appeal clearly demonstrates that even in cases where foreign nationals had entered India for bona fide academic purposes under student visas, the Division Bench did not hesitate to uphold the action of the authorities in directing them to leave the country upon finding violation of visa conditions. The said judgment, therefore, fortifies the principle that compliance with visa conditions is paramount and that any breach thereof disentitles a foreign national from seeking continuation of stay. When juxtaposed with the present case, where the petitioner has admittedly entered on a tourist visa and is alleged to have engaged in commercial activities coupled with conduct giving rise to law and order concerns, the case of the petitioner stands on a far weaker footing, thereby fully justifying the impugned action of the respondent–authority.

15. Insofar as the reliance placed by the learned counsel for the petitioner on the judgment to the present



case, where the action is demonstrably supported by relevant inputs.

16. On the contrary, the law laid down by the Hon'ble Supreme Court in ***Hans Muller of Nurenberg vs. Superintendent, Presidency Jail, Calcutta and Others***³ and ***Louis De Raedt vs. Union of India and Others***⁴, consistently followed in subsequent decisions, clearly recognizes the absolute and unfettered power of the State to expel foreign nationals, subject only to the requirement that such action is taken in accordance with law. The present case squarely falls within the parameters of the said principle, as the respondent-authority has acted within the statutory framework and on the basis of relevant material.

17. In the considered view of this Court, permitting the petitioner to continue his stay in India, despite prima facie material indicating violation of visa conditions and

³ (1955) 1 SCC 167

⁴ (1991) 3 SCC 554



involvement in activities affecting public order, would amount to countenancing illegality. A foreign national who enters the country on a tourist visa cannot be permitted to convert such entry into a platform for commercial ventures or to engage in conduct detrimental to societal order. The petitioner, having breached the conditions of his entry and having attracted adverse reports from law enforcement agencies, cannot seek equitable relief from this Court.

18. Accordingly, this Court is of the considered opinion that the impugned "Leave India Notice" is a valid exercise of statutory power, does not suffer from arbitrariness or illegality, and is in consonance with the constitutional and statutory scheme governing foreign nationals. The petitioner, therefore, is liable to comply with the impugned notice and leave India forthwith.

19. For the foregoing reasons, this Court proceeds to pass the following:



ORDER

(i) The writ petition is ***dismissed***;

(ii) The impugned "Leave India Notice" dated 16.03.2026 issued by the respondent-authority vide Annexure-B is hereby upheld;

(iii) The petitioner is directed to comply with the impugned notice and leave the territory of India forthwith, and in any event, within a period of seven (7) days from the date of receipt of a copy of this order;

(iv) The respondent-authority is at liberty to take all necessary consequential steps in accordance with law, in the event of non-compliance of this order by the petitioner;

(v) All pending interlocutory applications, if any, stand disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 1 Sl No.: 104