

**Court No. - 1**

**Case :-** HABEAS CORPUS WRIT PETITION No. - 585 of 2020

**Petitioner :-** Chinasa Victor Obioha And Another

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Atul Ojha, Balesh Tripathi

**Counsel for Respondent :-** G.A., A.S.G.I.

**Hon'ble Ramesh Sinha, J.**

**Hon'ble Samit Gopal, J.**

Heard Sri Anurag Ojha, learned counsel for the petitioners through Video Conferencing, Sri Balmukund, learned Counsel for Union of India and Sri A.R. Chaurasiya, learned A.G.A. for the State, who are physically present in the Court.

This Habeas Corpus Writ Petition under Article 226 of Constitution of India has been filed by the petitioners Chinasa Victor Obioha and Chima Paul Ugochukwu through their next friends and wives namely Ms. Poudiwiliu Pamai and Ms. Philangam Ronra respectively with the following prayers:

(i) issue a writ of Habeas Corpus or any other appropriate writ directing the corpus of Mr. Chima Paul Ugochukwu and Mr. Chinasa Victor Obioha illegally detained at Surajpur Police lines, 49 Battalion, Greater Noida, Uttar Pradesh, Since 24th September 2019 to be released with immediate effect.

(ii) issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the respondents to produce before this Court all the documents/cases made or registered pertaining to the illegal detention of Mr. Chima Paul Ugochukwu and Mr. Chinasa Victor Obioha from the first date of their detention i.e. from 24th September 2019.

(iii) issue a writ of mandamus or any other writ, order or direction to the respondents quashing the detention order if any, of the detained persons namely Mr. Chima Paul Ugochukwu and Mr. Chinasa Victor Obioha.

(iv) issue a writ of Mandamus or any other writ, order or direction to the respondents herein to consider sympathetically the application for grant of Long Term Visa made by Mr. Chima Paul Ugochukwu and Mr. Chinasa Victor Obioha and grant them Long Term Visa as per the internal guidelines of MHA if so made.

(v) pass any other or further order or orders in the interest of justice, as it may deem fit, in the facts and circumstances of the present case.

Learned counsel for the petitioners states that the petitioners are foreign nationals and they have been illegally detained by the respondents without being any case pending against them. Further learned counsel for the petitioners states that the petitioners have not even been produced before the Magistrate till date. The said fact has been mentioned in para-1 of the petition which is as follows:

"1. The present writ petition for writ of Habeas Corpus is being filed under Article 226 directly in this Hon'ble Court as the two persons concerned with the present petition are in the illegal detention for more than 10 month at the 49 Battalion Police Lines, in Gautam Budh Nagar Uttar Pradesh, that wife of one of the persons is currently residing in Delhi. That due to the travel advisories due to Covid 19 situation in the country and further because of the extraordinary situation created by the Covid 19 Pandemic the present petition has been preferred in this Hon'ble Court. The two persons concerned with present petition are Mr. Chima paul Ugochukwu and Mr. Chinasa Victor Obioha who are illegally detained at Surajpur police lines, 49 Batallia, Greater Noida, Uttar Pradesh since 24th September 2019. These persons have not been produced in any court till the drawing of the present petition and neither have these persons or their relatives or even the advocates have been informed or intimated the reasons for their detention nor any case has been registered for their detention. The present petition has been filed through next friend of petitioners."

Learned Counsel appearing for the Union of India and learned A.G.A. for the State shall seek instructions in the matter within three days.

Let be matter be listed before the appropriate Bench on 18.11.2020 in the additional cause list.

**Order Date :- 10.11.2020**

Naresh