



IMMIGRATION LAW

Madras High Court Directs Consideration of Emergency Visa for Blacklisted Sri Lankan National on Humanitarian Grounds

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Introduction

In a significant humanitarian intervention, the Madras High Court directed the Indian High Commission in Colombo to consider granting an emergency visa to a Sri Lankan national so he could travel to India and care for his ailing mother.

The decision highlights the judiciary's effort to balance immigration regulations with humanitarian considerations, especially where no threat to national security or public order is involved.

Table of contents

- [Introduction](#)
- [Background of the Case](#)
- [Facts Leading to Blacklisting](#)
- [Court's Observations](#)
- [Directions Issued by the Court](#)
- [Significance of the Judgment](#)
- [Conclusion](#)

Background of the Case

The case, *Agambal Meiyappan v. The Joint Secretary (Foreigners Division)*¹, was filed by Agambal Meiyappan, a 72-year-old Sri Lankan Tamil refugee residing in Tamil Nadu. The petitioner had been living in India for decades and was granted Overseas Citizen of India (OCI) status.

She approached the Court seeking removal of the blacklist imposed against her son, a Sri Lankan national, and requested that he be granted an emergency visa to enter India and care for her during her critical medical condition.

Facts Leading to Blacklisting

The petitioner's son had resided in India since 1987. During his childhood, his father obtained an Indian passport in his name through a declaration. Subsequently, authorities discovered irregularities concerning the passport and the son was accused of overstaying in India.

However, it was brought before the Court that:

- The son voluntarily surrendered the passport before the Passport Office in Tiruchirappalli;
- A penalty amounting to Rs. 1,34,875 was paid;
- He was permitted to leave India on April 27, 2018;
- No criminal proceedings or adverse cases had ever been registered against him.

Despite this, his name was placed under blacklist categories "B" and "C3," resulting in denial of entry into India.

The petitioner contended that her son was a minor at the time the passport was obtained and had no role in the alleged irregularities. She further argued that the continued blacklisting was arbitrary and disproportionate, particularly considering her deteriorating health condition.

Court's Observations

Justice M. Dhandapani observed that there were no adverse materials or criminal allegations against the petitioner's son that justified a permanent denial of entry into India.

The Court specifically emphasized the humanitarian circumstances of the case, noting that the petitioner was bedridden, critically ill, and in urgent need of care and emotional support from her son.

The Court observed:

"In the absence of any such adverse material, the continued blacklisting of the petitioner's son... appears to be disproportionate."

The Court further noted that immigration restrictions cannot be applied mechanically when humanitarian concerns demand a balanced and compassionate approach.

Directions Issued by the Court

While refraining from commenting on the legality of the blacklisting itself, the Court granted limited relief by directing:

- The son to submit an application for an emergency visa before the Indian High Commission in Colombo;
- The High Commission to coordinate with the Ministry of Home Affairs and consider the application within two weeks;
- Authorities to also examine the request for removal of the blacklist subject to appropriate conditions.

Significance of the Judgment

This ruling is important for several reasons:

Sr. No.	Aspect	Significance
1.	Humanitarian Approach	The Court prioritized humanitarian considerations by recognizing the petitioner's medical condition and emotional need for her son's presence.
2.	Doctrine of Proportionality	The judgment emphasized that continued blacklisting without adverse material may amount to disproportionate administrative action.
3.	Immigration Law & Fairness	It reinforced that immigration restrictions cannot be enforced mechanically and must be balanced with individual circumstances.
4.	Article 21 Values	The ruling indirectly upheld the values of dignity, family life, and personal liberty protected under Article 21 of the Constitution of India.
5.	Relief to Refugee Families	The decision offers hope to Sri Lankan Tamil refugee families facing long-standing documentation and visa-related hardships in India.
6.	Judicial Oversight on Executive Action	The Court reaffirmed that executive decisions such as blacklisting are subject to judicial scrutiny when they appear arbitrary or excessive.

Conclusion

The Madras High Court's decision demonstrates a compassionate judicial approach in cases involving immigration restrictions and humanitarian emergencies. By directing authorities to reconsider the emergency visa request, the Court ensured that procedural regulations do not overshadow fundamental human concerns.

The judgment serves as a reminder that administrative powers, including blacklisting and visa restrictions, must always remain subject to fairness, proportionality, and humanitarian sensitivity.

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1. W.P.No.11432 of 2026 ??

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