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

\+ W.P.(C) 17609/2022 and CM APPL. 56316/2022

DR. KHURSHEED MALLICK .....Petitioner

Through: Dr. Amit George, Mr. Febin Mathew Varghese, Mr. Dhiraj Abraham Phillip, and Mr. Kartikay Puneesh, Advs.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Ms Arunima Dwivedi CGSC with Mr Amit Acharya GP, Ms Swati and Ms Monalisha, Advs.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 22.01.2026

1. The short question which is involved in the instant petition is whether the impugned order is in violation of the principles of natural justice.

2. The facts would indicate that the petitioner was granted OCI Card by the Government of India through the Consulate General of India. In the impugned order, it is averred that it has been brought to the notice of the Central Government that the petitioner is involved in multiple anti-Indian activities which are inimical to the interest of the sovereignty and integrity of India, the security of India and to the interest of the general public. In view thereof, a show cause notice dated 15.06.2022 was issued to the petitioner in terms of Section 7D of the Citizenship Act, 1955 ['**Act**'].

3. The petitioner replied to the said show cause notice and the authority, by way of the impugned order, has cancelled the registration of OCI Card in exercise of power under Section 7D(e) of the Act. It is also clarified in the impugned order that necessary consequences would follow.

4. Learned counsel appearing for the petitioner points out that the petitioner had submitted a detailed reply to the aforesaid show cause notice, highlighting his philanthropic activities in India and denying the charge that he has taken part in any kind of anti-India activities. He submits that despite the said exhaustive reply, there does not seem to be any consideration by the respondent. He places reliance on the decision of this Court on ***Ashok Swain v. Union of India and Ors.***[1] in support of his submissions.

5. These submissions are strongly opposed by learned counsel appearing for the respondents. She contends that by way of the reply, the petitioner has only sought to justify his actions and there is sufficient material for acting against him.

6. Having considered the submissions made by learned counsel appearing for the parties, the Court finds that the impugned order does not contain any reason for the action taken, much less a good reason. If, for any reason, whatsoever, the respondent does not want to place on record the said reasons, even that aspect must explicitly be stated in the order while claiming privilege over the information. In any case, such recourse has not been taken by the respondents while passing of the impugned order. The Supreme Court, in the case of ***Kranti Associates Pvt. Ltd. and Another v. Masood Ahmed Khan***,[2] has held as under:

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[1] 2025 SCC OnLine Del 2012
[2] (2010) 9 SCC 496

*"**47.** Summarising the above discussion, this Court holds:*

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,

"adequate and intelligent reasons must be given for judicial decisions".

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process"."

7. Under these circumstances, the instant petition deserves to be disposed of with the following directions:

i. Let the petitioner's reply be considered by the respondents in accordance with law with due expedition.

ii. If the respondents are of the opinion that the OCI card has to be cancelled, let the reasons be assigned.

iii. If the respondents claim any privilege to such reasons, let the aforesaid aspect be fairly stated in the order.

8. All rights and contentions of the parties are left open.

9. Petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 22, 2026/P/AMG