

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 129 OF 2005

SURAM CHAND

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to implead States as respondents and c/delay and extension of time and office report )

WITH W.P(CRL.) NO. 133 of 2005

(With appln(s) for permission to implead States as respondents and office report )

W.P(CRL.) NO. 175 of 2005

(With appln(s) for permission to implead States as respondents and office report )

Date: 03/10/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Prof. Bhim Singh, Adv.

Mr. B.S. Billowria, Adv.

Mr. Manzoor Ali Khan, Adv.

Mr. P.V. Yogeswaran, Adv.

For Respondent(s) Mr. S.R. Singh, Sr. Adv.

For State of J& K Mrs. Shamama Anis, Adv.

in all the W.Ps. Mr. S. Mehdi Imam, Adv.

Mr. Anis Suhrawardy, Adv.

For UOI Mr. A. Sharan, ASG

Ms. Binu Tamta, Adv.

Ms. Sushma Suri, Adv.

Mr. Shirish Kumar Mishra, Adv.

Mr. Mohd. Fuzail Khan, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Anil K. Jha, Adv. (NP)

Mr. Irshad Ahmad, Adv. (NP)

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Mrs. Jayshree Anand, AAG

Mr. K.K. Mahalik, Adv.

Mr. Kuldip Singh, Adv.

Mr. Bimal Roy Jad, Adv. (NP)

Mr. Praveen Swarup, Adv. (NP)

Mr. Ratan Kumar Choudhuri, Adv. (NP)

UPON hearing counsel the Court made the following  
ORDER

WP(Crl.) 129/2005, WP(Crl.) 133/2005 & WP(Crl.) 175/2005

Heard learned counsel for the parties in all the writ petitions.

Mr. Bhim Singh, learned counsel for the petitioners has pointed out that the cases of Mohammed Umar and Nasir Ahmed have already been recommended by the State of Jammu & Kashmir to the Union Government for their deportation. He further submits that their cases are pending with the Union Government and the matter is being delayed for one reason or the other.

Mr. Amarendra Sharan, learned Addl. Solicitor General appearing for the Union of India is directed to inform this Court progress in the matter that when the cases of Mohammed Umar and Nasir Ahmed have already been recommended for deportation by the State of J & K, why they have not been deported so far.

Mr. Bhim Singh, learned counsel for the petitioners also points out that the cases of Alam Khan and Zafar Ali have also been recommended by the State of Jammu & Kashmir for deportation but they have also not been deported so far.

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Insofar as cases of Alam Khan and Zafar Ali are concerned, Mr. Sharan, learned ASG submits that they are security prisoners and therefore they have not been deported.

The Union of India shall file an affidavit stating the reasons for detaining Alam Khan and Zafar Ali and under what statutory provisions they have been detained.

Mr. Bhim Singh further submits that so far as Abdul Qadeer is concerned, he is a Tazakistan national and his case also has been recommended by the State of J & K for deportation and the matter is still pending with the Union of India.

Mr. A. Sharan, learned ASG submits that so far as case of Abdul Qadeer is concerned, the case has been processed by the Department and a request has been made to the Consulate of Tazakistan to process his papers and issue travel documents. The Union of India shall also file an affidavit about the status of Abdul Qadeer.

Mr. Bhim Singh, learned counsel for the petitioners submits that so far as two other Pakistan nationals, Nazir Khan and Abdul Raheem are concerned, they have been lodged in Tihar Jail, New Delhi.

The Govt. of NCT Delhi and State of Jammu & Kashmir shall file affidavit stating under what law Nazir Khan and Abdul Raheem have been convicted and what is the period of sentence awarded to them and whether they have completed the sentence awarded or not.

Affidavits, as stated above, shall be filed within six weeks.

Let these matters come up after six weeks.

(Ajay Kr. Jain)  
Court Master

(Vijay Dhawan)  
Court Master