

ITEM NO.23

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1362/2023

SAQUIB ABDUL HAMID NACHAN

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Justice (Retd.) Ms. Mukta Gupta, Senior Advocate as Amicus Curiae
IA No. 252773/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON

Date : 05-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

Amicus Curiae(s) Ms. Mukta Gupta, Sr.Adv.

For Petitioner(s) : Petitioner-in-person

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner has filed this petition, under Article 32 of the Constitution, seeking a declaration that two Notifications, issued by the respondent - Union of India, being S.O. 534(E), dated 16.02.2015, and S.O. 2947E, dated 19.06.2018, are manifestly arbitrary and *ultra vires* Article 25 of the Constitution of India. By way of the impugned Notifications, the respondent - Union of India has declared Islamic State/Islamic State of Iraq and Levant/Islamic State of Iraq and Syria/Daish/Islamic State in Khorasan Province/ISIS Wilayat Khorasan/Islamic State of Iraq and the Sham-Khorasan and all its manifestation as 'terrorist organisations' and enlisted the same in the First Schedule of the UAPA.

2. It appears from the averments made in the Writ Petition as well as from the submissions which the petitioner has made in-person on the previous dates of hearing, and which have again been

clarified by the learned *amicus curiae* that the petitioner's son was arrested by the National Investigation Agency (NIA), Mumbai on the allegation of being associated with the ISIS.

3. During the course of hearing, we are informed by learned *amicus curiae* that subsequently, even the petitioner has also been arrested in one of such case.

4. Ms. Mukta Gupta, learned Senior Counsel, to whom we requested on 04.12.2024 to assist the Court as an *amicus curiae*, has submitted a short note of written submissions and has also assisted the Court by making her oral submissions.

5. It seems to us that instead of laying challenge to the impugned Notifications, the remedy for the petitioner or for his son lies in approaching the appropriate forum and make out a case that the activities undertaken by them do not fall within the offending Clauses of the Unlawful Activities (Prevention) Act, 1967 and/or that for any other valid reason, they are entitled to be released on bail.

6. We have no reason to doubt that the court of competent jurisdiction will earnestly consider such submissions with reference to the prayer for bail and/or any other relief that may be claimed by the petitioner or his son in the pending proceedings.

7. With liberty aforementioned, the Writ Petition stands disposed of.

8. As a result, the pending interlocutory application, if any, also stands disposed of.

9. We place on record our thanks and appreciation to the learned *amicus curiae* for rendering useful assistance to this Court.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR