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

+ W.P.(CRL) 838/2020

MOHAMMAD JAMAL & ORS.

..... Petitioners

Through: Ms. Ashima Mandla, Ms.Mandakini
Singh and Ms. Aditi Gupta,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Amit Mahajan, Standing Counsel
for UOI.
Mr. Rahul Mehra, Standing Counsel
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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30.06.2020

Crl.M.A. No. 8296/2020

Mr. Amit Mahajan, learned Standing Counsel – who appears for Union of India (UOI), submits that he has not received a copy of the application. This is disputed by learned counsel for the petitioners.

Without getting into the said controversy, we direct learned counsel for the petitioners to serve a copy of the application to learned counsel for UOI through e-mail and WhatsApp – which Ms. Ashima Mandla states that she has already done during the course of this hearing.

Mr. Mahajan seeks some time to take instructions and states that the matter may be taken up in the afternoon.

Accordingly, list the application today at 02:30 p.m.

Mr. Rahul Mehra, Standing Counsel for GNCTD submits that the Delhi Police and the GNCTD have no objection to the prayer in the application being granted.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JUNE 30, 2020

At 02:30 p.m.

1. This application has been moved by the petitioner to seek a modification of our order dated 28.05.2020. By the said order, this Court had permitted the shifting of the foreign nationals who came to India to attend the *Tabliqi Jamat* conference to the several locations mentioned in the said order, since proceedings are pending against them under various provisions of law, including for alleged violation of the Visa conditions on which they were granted Indian Visa.

2. The submission of the petitioners is that one of the locations - where 65 foreign nationals are housed was Meraaj International School. The submission is that the said facility is proving to be very uncomfortable for the said 65 foreign nationals due to poor hygiene conditions. The petitioners seek a direction that the said 65 foreign nationals may be shifted to Texan Public School situated at Plot No.77-A, Gali No. 13, Gurudwara Mohalla, Moujpur, Delhi- 110053, which has now been identified by the petitioners.

The petitioners state that the community shall bear all the expenses for shifting of the said 65 foreign nationals to Texan Public School and for their boarding and lodging in the said new facility. In addition, the petitioners also state that they have also identified two other facilities i.e. S.V.N Public School situated at 33 Feet Road, Block C, Kabir Nagar, Babarpur, Delhi - 110032, and another at Crescent School situated at Jamaloo Ka Bagh, Maujpur, Opp. Pillar Number 200, Delhi, which have capacity to house 250 persons each so that, in case, it becomes necessary, the detained foreign nationals could be accommodated in the said facilities as well, in future.

3. Mr. Mehra, who represents the Delhi Police and the GNCTD of Delhi, has stated that the said respondents have no objection to the modification sought by the petitioners in respect of all the three locations mentioned hereinabove.

4. Mr. Mahajan who represents the Union of India has also made a statement that since the Delhi Police and the GNCTD have no objection to the modification sought by the petitioners, Union of India also has no objection to the location of the detainees being shifted.

5. Accordingly, we allow the application and modify the order dated 28.05.2020 – permitting use of the three additional alternate places of accommodation mentioned above to house the foreign nationals detained in connection with the *Tabliqi Jamat*. The foreign nationals presently housed at Meraaj International School may be shifted to Texan Public School at the cost and expense of the community. The expenses for the lodging and boarding of the detainees at the said facility shall continue to be borne by the community.

6. We are of the view that for all such like modifications it should not be necessary for the parties to approach this Court. Before moving this Court, it shall be open to the petitioners to make a representation for such purpose to the Delhi Police and the Delhi Police shall, without any delay, look into any such request and if it has no objection, it shall forward the application to the Union of India along with its comments and the Union of India should then examine the request and convey its decision to the Delhi Police as well as to the petitioners. The entire process should be completed within a week of any such representation being made.

7. The application stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JUNE 30, 2020

N.Khanna