

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). 1045/2018

HARSH MANDER

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 31-10-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Prashant Bhushan, AOR
Ms. Cheryl D' Souza, Adv.
Mr. Omana Kuttan K.K., Adv.
Ms. Alice Raj, Adv.For Respondent(s) Mr. Tushar Mehta, S.G.
Mr. Shuvodeep Roy, AOR
Mr. Somnath Banerjee, Adv.
Mr. Rajat Nair, Adv.

Ms. Binu Tamta, Adv.
Ms. Suhasini Sen, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. B. V. Balaram Das, AOR

UPON hearing the counsel the Court made the following

O R D E R

The learned Solicitor General has drawn our attention to the prayers in the writ petition. The admitted position is that Prayers 'a' to 'e' deal with issues arising in I.A. No. 105821/2018 in W.P. (C) No. 406/2013 which is an application filed by Studio Nilima in the writ petition relating to Inhuman Conditions in 1382 Prisons.

Prayers 'f', 'g' and 'h' read as follows:

"f) Issue an appropriate writ, order or direction to declare those who have been determined to be foreigners and held in detention pending their repatriation, be treated as refugees;

g) Issue an appropriate writ in the nature of mandamus or any other direction to the respondents to ensure that clear policies are adopted for those detainees who agree with the state that they are foreigners; to expedite their applications for deportation;

h) Issue an appropriate writ, order or direction, that those who have been declared foreigners, but whom their country of origin does not accept as nationals of that country, be declared as Stateless persons and be granted long term visa and protections that are afforded to refugees."

It is submitted by the learned Solicitor General that these prayers are being looked into in W.P. (C) No. 859 of 2013 etc. by a Bench presided over by Hon'ble the Chief Justice. This is denied by learned counsel appearing for the petitioner. In any event, we do not have the benefit of the cases pending before the Bench presided over by Hon'ble the Chief Justice.

Under the circumstances, it will be appropriate if the matter is placed before the Bench presided over by Hon'ble the Chief Justice to look into the matter and advice us accordingly.

List the matter after four weeks.

In the meanwhile, the State of Assam may file its counter affidavit within three weeks.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR