

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2876 of 2014
ALONG WITH
CRIMINAL WRIT PETITION NO.3047 OF 2014

Smt. Sajida Khan and Others. .. Petitioners
Vs
Union of India and Others. .. Respondents

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Shri Tanveer Nizam for the Petitioners in both the Petitions.
Mrs. Aruna Kamath Pai for the Respondent Nos.1 and 3 in both the Petitions.
Ms.M.H.Mhatre, APP for the Respondent No.2 in both the Petitions.
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CORAM : A.S. OKA & RIYAZ I. CHAGLA, JJ

DATED : 7TH AUGUST 2017

PC.

1. The orders impugned are the orders passed imposing restrictions on the Petitioners in terms of Paragraph 11(2) of the Foreigners Order, 1948. In Writ Petition No.2876 of 2014, the challenge is to the orders dated 6th May 2014, 5th June 2014 and 5th July 2014 issued against the Petitioners imposing restrictions under Paragraph 11(2) of the Foreigners Order, 1948. In Writ Petition No.3047 of 2014, there is also a challenge to the orders 6th May 2014, 5th June 2014 and 5th July 2014 issued under Paragraph 11(2) of the Foreigners Order, 1948.

2. The duration of the last order of 5th July 2014 has expired on 5th August 2014. There is a challenge in these Petitions to the validity of Paragraph 11(2) of the Foreigners Order, 1948. Today, the issue of validity of Paragraph 11(2) of the Foreigners Order, 1948 as far as the Petitioners are concerned has become academic. If the similar order is issued against the Petitioners by invoking Paragraph 11(2) of the Foreigners Order, 1948, while challenging the order, the Petitioners can always challenge the validity of Paragraph 11(2) of the Foreigners Order, 1948.

3. Subject to the liberty granted as aforesaid, we decline to entertain these Petitions. Rule in Writ Petition No.3047 of 2014 is discharged. Writ Petition No.2876 of 2014 is disposed of.

4. All contentions on merits regarding validity of the Paragraph 11(2) of the Foreigners Order, 1948 are kept open.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)