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

+ W.P.(C) 9514/2017

HUMAM AHMAD SIDDIQUI

..... Petitioner

Through: Mr Ashok Agarwal, Ms Sridevi
Parikkar, Mr Anuj Kapoor and Ms
Devyani Bhatt, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Ajay Digpaul, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.10.2017**

1. Issue notice. The learned counsel for the respondent accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue appropriate writ/order directing the Respondent to dispose of the applications under the Prevention of Terrorism Act, 2002/ Unlawful Activities (Prevention) Act, 1967 seeking denotification of the Students Islamic Movement of India as a ‘terrorist organisation’, in accordance with law.”

3. The Students Islamic Movement of India (hereinafter ‘the SIMI’) was declared a terrorist organization under Section 18 of the Prevention of Terrorism Ordinance, 2001 (hereinafter ‘POTO’) and was listed at serial no.22 in the schedule to the said Ordinance. Subsequently, the said Ordinance was replaced by the Prevention of Terrorism Act, 2002 (hereinafter ‘POTA’) and the SIMI continued to be notified as a terrorist

organization.

4. POTA was, thereafter repealed and replaced by the Unlawful Activities (Prevention) Act, 1967 (hereinafter 'the UAPA').

5. The petitioner states that an application was moved by Mr Shahid Badar under the provisions of POTA for de-notification of SIMI as a terrorist organization but the same was not considered. The petitioner claims that he has also made an application dated 27.09.2017 for de-notification of SIMI as a terrorist organization under Section 36 of the UAPA.

6. In terms of Rule 3 of the Procedure for Admission and Disposal of Application Rules, 2004, an application made under Section 36(1) of the UAPA is required to be considered and disposed of by the Central Government within a period of 45 days from the date of receipt of the said application. It is seen that the said period of 45 days (reckoned from the date of filing of the petitioner's application under Section 36(1) of the said Act) has not expired as yet. In the circumstances, the respondent is directed to consider the application and take a decision, if not already taken, on the petitioner's application and communicate the same to the petitioner within a period of 30 days from today.

7. The petition is disposed of with the aforesaid direction.

8. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 31, 2017

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