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

+ **W.P. (CRL.) 838/2020**

MOHAMMAD JAMAL AND ORS.

..... Petitioners

Through: Ms. Rebecca John, Senior Advocate
with Ms. Ashima Mandla &
Ms. Mallika Hiremath, Advocates.
Mr. S. Hari Haran, Advocate.

versus

UOI AND ORS.

..... Respondents

Through: Mr. Amit Mahajan, Advocate for
respondent No.1/ UOI.
Mr. Rahul Mehra, Standing Counsel
and Mr. Chaitanya Gosain, Advocate
with Dr. Joy Tirkey, DCP, for
respondent/ GNCTD.

+ **W.P. (CRL.) 839/2020 and CRL.M.A. No. 6793/2020**

SHAMSUL QAMAR HAYAT,
BRITISH CITIZEN & ORS.

..... Petitioners

Through: Mr. Tahir, Advocate.

versus

UOI AND ORS.

..... Respondents

Through: Mr. Amit Mahajan, Advocate for
respondent No.1/ UOI.
Mr. Rahul Mehra, Standing Counsel
and Mr. Chaitanya Gosain, Advocate
with Dr. Joy Tirkey, DCP, for
respondent/ GNCTD.

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HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

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ORDER
28.05.2020

CRL.M.A. No.6906/2020

1. This application has been moved by the petitioners to disclose the places for alternate accommodation of 955 foreign nationals from institutional quarantine centres to such alternate accommodation. The applicants have stated that the costs incurred for providing the alternate accommodation, as well as the allied facilities within the suggested centres shall be borne by the community – as already undertaken before this Court, and the respondents shall not be burdened with any financial liability.
2. Ms. John, on instructions, states that the eighth facility mentioned in the tabulation contained in the application, namely, Embassy of Thailand may be deleted. Consequently, there are eight facilities brought on record – which have been mentioned in the list, which are as follows:

<u>S. No.</u>	<u>Name</u>	<u>Address</u>	<u>Approx. Capacity</u>	<u>Contact person</u>	<u>Phone Number</u>
1.	Jamiat Ulema-Hind	1 Bahadur Shah Zafar Marg, New Delhi	200 persons	Maulana Kaleemuddin	8076355560
2.	Haj House	Turkman Gate	200 persons	Aarifeen	9212583583
3.	Zayed College	Kalindi Kunj Road, Oakhla	200 persons	Haafiz Muhammad Salman	9540365979
4.	HR School	Zakir Nagar	80 persons	Haafiz Anwarul-Haq	9911525722
5.	MS Creative School	Sitaram Bazar	75 persons	Aarifeen	9212583583
6.	MS Creative School	Zakir Nagar West	150 persons	Asad Abbasi	9818635683
7.	Meraaj International School (Couples)	Laxmi Market, Aram Park, Opp. SBI, Khureji	100 persons	M Azad	9810392859
8.	Axle School	Azad Market	50 persons	Abdul Ghaffar	9810933786
			Total: 1055 persons		

3. Mr. S. Hari Haran, who appears for the petitioners – who were impleaded as party petitioners on the last date – while allowing CrI.M.A. No.6803/2020, states, on instructions, from the Malaysian Embassy, that as far as the 125 Malaysian Nationals are concerned, arrangements for their stay would be made by the Malaysian Embassy at Hotel Smart Plaza, Mahipalpur, New Delhi.

4. Mr. Mehra has, firstly, stated that till date 47 charge-sheets have been filed in respect of 910 foreign nationals belonging to 35 countries. Mr. Mehra states that Delhi Police has no objection to the aforesaid eight places suggested by the petitioners, as well as to the request made by the Malaysian Embassy for housing the Malaysian Nationals at Hotel Smart Plaza, Mahipalpur, New Delhi. These facilities have been verified by the Revenue Department of Government of NCT of Delhi.

5. Mr. Amit Mahajan, learned Senior Standing Counsel for the Union of India (UOI) states that the UOI has no objection to these foreign nationals being shifted to the centres, as aforesaid.

6. We, therefore, allow the shifting of the said foreign nationals to the aforesaid eight facilities, and to Hotel Smart Plaza, Mahipalpur, New Delhi in respect of the Malaysian Nationals. The petitioners and the respondents shall coordinate, so that complete log is maintained of each of the foreign nationals regarding the facilities to which they are shifted.

7. Ms. John, on instructions, states that the said foreign nationals shall continue to remain at the facilities to which they are shifted, and shall not shift their location without prior permission.

8. Mr. Tahir, learned counsel who appears for the petitioners in W.P.(Crl.) No. 839/2020, has also taken instructions and he is agreeable to this arrangement being made.

9. Accordingly, we dispose of these petitions with a direction that the 995 foreign nationals in question be shifted to the aforesaid facilities from the institutional quarantine centres. The petitioners and the Delhi Police shall co-ordinate as to which of them is being shifted to which of the facilities. The foreign nationals shall remain at the facility to which they are shifted, and shall not shift to any other location, without prior permission of Delhi Police. We make it clear that our order shall merge in the order that the learned Magistrate may pass – before whom the charge-sheets would be filed, in case the said foreign nationals approach the concerned Magistrate for grant of bail.

10. Both the petitions stand disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 28, 2020

B.S. Rohella