

JVS.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 2 OF 2026

Mohammed Ismail Abdul Khalik	}	Petitioner
Versus		
State of Maharashtra & Ors.	}	Respondents

None for the Petitioner.

Mr. Pavan S. Patil with Mr. Shubham S. and Mr. Tanmay Deshmukh, Advocate for Respondent No. 7-UoI.

Mr. B. V. Samant, Additional Government Pleader with Ms.G. R. Raghuwanshi, AGP for Respondent Nos. 1 to 6.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 6th FEBRUARY 2026

P.C.:

No one appears on behalf of the petitioner.

2. The petitioner seeks a direction with respect to the investigation by a Special Investigation Team in First Information Report Nos. 40 of 2025, 51 of 2025, 138 of 2025 and 103 of 2025. He is also seeking a declaration that section 9 of the Foreigners Act, 1964 is unconstitutional and *ultra vires*.

3. Mr. Pavan S. Patil, the learned counsel for the respondent no.7-Union of India tenders a copy of the Immigration and Foreigners Act, 2025 in substitution of the Foreigners Act, 1946 which has been repealed. The same is taken on record.

4. The learned counsel for the respondent no. 7-Union of India submits that the constitutional validity of the Foreigners Act, 1946 as such has been upheld by the Hon'ble Supreme Court in "*Sarbananda Sonowal v. Union of India & Ors.*" (2005) 5 SCC 665.

5. This petition is not in the nature of Public Interest Litigation. It has no substance as well.
6. Public Interest Litigation No. 2 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]