

GAHC010011552023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/674/2023

CHETAN KUMAR ROY
S/O- LATE SHYAMANANDA ROY, WARD NO.- 16, BIDYAPARA, PS- DUBRI,
ASSAM, PIN- 783324

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI, 110001

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GHY- 781006

3:THE DEPUTY COMMISSIONER
DHUBRI
DIST- DHUBRI
ASSAM
PIN- 783301

4:THE SUPERINTENDENT (BORDER)
DHUBRI
DIST- DHUBRI
ASSAM
PIN-783301

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI
PIN- 110001

6:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM
PIN-78100

Advocate for the Petitioner : MR M K DAS

Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : WP(C)/1821/2022

CHETAN KUMAR ROY
S/O- LATE SHYAMANANDA ROY
WARD NO.- 16
BIDYAPARA
PS- DUBRI
ASSAM
PIN- 783324

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI
110001

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GHY- 781006

3:THE DEPUTY COMMISSIONER
DHUBRI
DIST- DHUBRI
ASSAM
PIN- 783301
4:THE SUPERINTENDENT (BORDER)
DHUBRI
DIST- DHUBRI
ASSAM
PIN-783301

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI
PIN- 110001

6:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM
PIN-781007

Advocate for : MR M K DAS

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

27.03.2023

(AM Bujor Barua, J)

Heard Mr. AA Dewan, learned counsel for the applicant. Also heard Ms. L Devi, learned CGC for the respondents in the Union of India as well as for the authorities under the NRC, Mr. T Pegu, learned counsel for the authorities under the Election Commission of India, Mr. G Sharma, learned Special Standing Counsel, Foreigners Tribunal for the Home Department, Government of Assam as well as the Superintendent of Police (B) Dhubri and Ms. K Phukan, learned Government Advocate for the Deputy Commissioner, Dhubri.

2. In the order dated 16.03.2022 in WP(C)No.1821/2022, it was provided as extracted:

“In that view of the matter, in the meantime, the petitioner, if not already arrested, may not be arrested. However, the petitioner shall appear before the Superintendent of

Police(Border), Dhubri, within 15(fifteen) days from today, who may obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence. On such appearance, the petitioner shall furnish a bail bond of Rs. 5,000/-(Rupees Five Thousand) with one local surety of the like amount to the satisfaction of the said authority, whereafter, the petitioner shall be allowed to remain on bail. The concerned Superintendent of Police(Border) shall also take steps for capturing the finger prints of both hands and biometrics of the iris of the petitioner. The petitioner also shall not leave the jurisdiction of the Dhubri District without furnishing the details of the place of destination and necessary information including contact number to the Superintendent of Police, Dhubri District, Assam.”

3. By the order dated 16.03.2022, there was a requirement for the writ petitioner to appear before the Superintendent of Police (Border) Dhubri within 15(fifteen) days from the date of the said order.

4. This interlocutory application is filed on the premises that the petitioner failed to appear before the aforesaid authority within the stipulated 15(fifteen) days time and accordingly seeks for an extension of the time granted.

5. In view of the above, we provide that the time for petitioner’s appearance before the Superintendent of Police (Border) Dhubri is now extended by 30(thirty) days from today. The petitioner to appear before the Superintendent of Police (Border) Dhubri within 30(thirty) days from today and shall provide all necessary cooperation and further be subject to all the implications as may be applicable under the law on being so registered.

6. Interlocutory application stands allowed in the above terms.

JUDGE

JUDGE

Comparing Assistant