

GAHC010071532018



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

Case No. : WP(C)/2284/2018

MD. ABDUL RASHID MULLAH @ MD. ABDUR RASHID MALLA
S/O- LT KARIAM ALI MULLAH@ KARAM ALI MULLAH, C/O- MD. ABDUL
RAZAK, R/O- VILL- SONARI, WARD NO. 3, P.S. SONARI, DIST- SIVASAGAR,
ASSAM, PIN-785690

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPTT., DISPUR, GHY-6

2:THE DISTRICT MAGISTRATE-CUM-DEPUTY COMMISSIONER
SIVASAGAR
ASSAM

3:THE SUPERINTENDENT OF POLICE (BORDER)
SIVASAGAR
DIST- SIVASAGAR
ASSAM

4:THE UNION OF INDIA
REP. BY THE SECRETARY
MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
NEW DELHI-1

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI-1

6:THE ASSAM COORDINATOR OF NRC
NATIONAL REGISTRATION OF CITIZENSHIP (NRC)
ASSAM

BHANGAGARH
GHY-5

7:THE OFFICER-IN-CHARGE
SONARI PS
DIST- SIVASAGAR
ASSA

Advocate for the Petitioner : MR. R SARMA

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

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

21.11.2023

(M. R. Pathak, J)

Heard Mr. R. Sarma, learned counsel for the petitioner and Mr. J. Payeng, learned Standing counsel, Home Department, Assam for the respondent Nos. 1, 3 & 7. Also heard Mr. P. Sharma, learned Government Advocate, Assam for the respondent No. 2; Mr. P. K. Medhi, learned CGC for the respondent No.4 as well as Mr. A. I. Ali, learned Standing counsel, Election Commission of India for the respondent No.5.

2. On being referred by the Superintendent of Police (Border), Sivasagar in F.T. Case No.218/14, the learned Member Foreigners' Tribunal, Jorhat in Case No. FT/SVR/218/14 by the impugned opinion/Judgment dated 14.02.2018 declared the petitioner Md. Abdul Rashid Mullah @ Abdur Rashid Malla son of Lt. Karim Ali Mullah @ Karam Ali Mullah resident of Village & Post Station-Sonari, District-Sivasagar, Assam and permanent resident of Village- Majherhat, Uttar Kushum,

Police Station- Usthi, District- South 24 Parganas, West Bengal as a foreigner under the Foreigners' Act of 1946, wherein, he entered India illegally from the specified territory of Bangladesh on or after 25.03.1971.

3. Against the said opinion/Judgment dated 14.02.2018 of the Foreigners' Tribunal, Jorhat, Assam, noted above, the petitioner filed this writ petition on 09.04.2018. The Court on 11.04.2018 while issuing notice to the respondents passed an order requisitioning the records of said Case No. FT/SVR/218/14 from the Foreigners' Tribunal, Jorhat and directed the petitioner to appear before the Superintendant of Police (Border), Sivasagar within 15(fifteen) days from the said date of the order 11.04.2018 granting him bail on furnishing a bail bond of Rs.5,000/- (Rupees Five thousand) only with one local surety of like amount to the satisfaction of the said authority observing that thereafter, the petitioner shall be allowed to remain on bail.

4. During the deliberation of the matter, Mr. R. Sarma, learned counsel for the petitioner, being furnished by his legal heirs, placed before this Court a copy of the Death Certificate of said Md. Abdul Rasid Molla who expired on 20.08.2020 at Village & Post Office- Uttar Kusum, Police Station- Usthi, District- South 24 Parganas, West Bengal, registered under West Bengal Registration of Births and Deaths Rules, 2000 framed under the Registration of Births and Deaths Act, 1969, being registration No.UK.GP/81/2020 dated 20.08.2020 issued by the Sub-Register of Birth and Death of Uttar Kusum, District- South 24 Parganas, West Bengal.

5. It is seen that after the death of said Abdul Rasid Molla on 20.08.2020 as noted above, his legal heirs have not filed any application for their substitution in this writ petition. Accordingly, Mr. R. Sarma, learned counsel for the petitioner, on instruction, is not pressing this petition as the petitioner has already expired.

- 6.** Considering the submission made by the learned counsel for the petitioner, this writ petition stands dismissed being not pressed.
- 7.** The interim order passed earlier on 11.04.2018 accordingly stands merged with this order.
- 8.** A copy of the Death Certificate of the petitioner Abdul Rasid Molla placed before this Court today by the learned counsel for the petitioner, Mr. R. Sharma be kept as a part of record.
- 9.** Registry shall return the records of Case No. FT/SVR/218/14 to the Foreigners' Tribunal, Jorhat along with a copy of this order.
- 10.** Registry shall also forward a copy of this order to the Superintendent of Police (Border) Sivasagar for its information and necessary action.

JUDGE

JUDGE

Comparing Assistant