

GAHC010207252023



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

Case No. : Review.Pet./112/2023

KAMLAI BIBI
D/O- LATE TAZAMUL ALI, W/O- ABDUIL SUKKUR CHOUDHURY, VILL-
PASCHIM JAMUNAGAON, P.S- MORAJHAR, DIST.- HOJAI, ASSAM, PIN-
782428.

VERSUS

THE UNION OF INDIA AND 7 ORS.
REP. BY SECRETARY TO THE GOVT. OF INDIA, HOME DEPTT., NORTH
BLOCK, NEW DELHI, PIN- 110001.

2:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001.

3:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 06.

4:THE STATE CO-ORDINATOR OF NRC
ASSAM
BHANGAGARH
GUWAHATI- 5.

5:ADDITIONAL DIRECTOR GENERAL OF POLICE
ASSAM
(BORDER)
BHANGAGARH
GUWAHATI- 05

6:THE DEPUTY COMMISSIONER
HOJAI
SANKARDEV NAGAR
ASSAM
PIN- 782435.

7:THE SUPERINTENDENT OF POLICE (BORDER)
HOJAI
ASSAM
PIN- 782435.

8:THE MEMBER
FOREIGNERS TRIBUNAL NO.1
SANKARDEVNAGAR
HOJAI
DIST.- HOJAI
ASSAM
PIN- 782435

Advocate for the Petitioner : MR. N ISLAM, MR. T K DEY,MR. H R KHAN

Advocate for the Respondent : DY.S.G.I., SC, F.T,SC, NRC,SC, ECI,GA, ASSAM

Linked Case : WP(C)/4640/2023

KAMLAI BIBI
D/O- LATE TAZAMUL ALI

W/O- ABDUIL SUKKUR CHOUDHURY
VILL- PASCHIM JAMUNAGAON

P.S- MORAJHAR

DIST- HOJAI
ASSAM
PIN-782428

VERSUS

UNION OF INDIA AND 7 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA

MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI- 110001.

2:THE ELECTION COMMISSION OF INDIA
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REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

4:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
BHANGAGARH
GUWAHATI-05
DIST- KAMRUP (M)

5:ADDL. DIRECTOR GENERAL OF POLICE
ASSAM
(BORDER)
BHANGAGARH
GUWAHATI-05
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6:THE DEPUTY COMMISSIONER
HOJAI
SANKARDEV NAGAR
ASSAM
PIN-782435

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HOJAI
ASSAM
PIN-782435

8:THE MEMBER
FOREIGNERS TRIBUNAL NO-1
SANKARDEV NAGAR
HOJAI
DIST- HOJAI
ASSAM
PIN-782435

Advocate for : MR. H R KHAN
Advocate for : DY.S.G.I. appearing for UNION OF INDIA AND 7 ORS

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

ORDER

05.04.2025

(M.R.Pathak, J)

Heard Mr. T. K. Dey, learned counsel for the petitioner and Ms. S. Barua, learned CGC for the respondent No. 1, Union of India. Also heard Mr. M. Islam, learned counsel appearing on behalf of Mr. A. I. Ali, learned Standing Counsel, ECI for the respondent No. 2; Mr. G. Sarma, learned Standing Counsel, Home and Political Department, Assam as well as Standing Counsel, NRC, Assam for the respondent Nos. 3, 4, 5, 7 & 8 and Mr. H. K. Hazarika, learned Government Advocate, Assam for the respondent No. 6.

2) By order dated 25.08.2023, a Co-ordinate Bench of this Court, consisting one of us (Hon'ble Mrs. Justice Mitali Thakuria) in WP(C) No. 4640/2023, while setting aside an ex-parte order of the Foreigners Tribunal, Hojai, Sankardev Nagar dated 05.01.2008 in F.T. Case No. FT/H/534/2007 directed the petitioner to appear before the said Tribunal on 20.09.2023 and imposed a cost of Rs. 10,000/- to be deposited by the petitioner in the account of Gauhati High Court (Principal Seat) Employees Association and upon showing the proof of payment of the cost, to appear before the concerned Tribunal.

3) Thereafter, the said petitioner preferred this review petition on 12.09.2023 for reviewing the said order dated 25.08.2023 filed in WP(C) No. 4640/2023 passed by the Co-ordinate Bench of this Court, praying to review/ modify/re-consider the said order dated 25.08.2023, thereby exempting the penalty imposed or taking lenient view and enable the petitioner to face the trial before the Tribunal afresh.

4) In this review petition, by order dated 12.10.2023, the Court, while calling for the

records of said F.T. Case No. FT/H/534/2007 from the concerned Foreigners Tribunal, observed that the pendency of this review petition shall not be a bar for the review petitioner/writ petitioner from appearing before the concerned Tribunal and getting the matter decided on merit.

5) On being enquired, Mr. T. K. Dey, learned counsel for the petitioner submitted that in terms of the order dated 25.08.2023 passed in WP(C) No. 4640/2023, noted above as well as by order dated 12.10.2023 passed earlier in this review petition, the petitioner till date has not appeared before the Foreigners Tribunal, Hojai, Sankardev Nagar in said F.T. Case No. FT/H/534/2007.

6) The prayer of the petitioner for reviewing the order dated 25.08.2023 shall be considered only after compliance of the order dated 12.10.2023, passed earlier in this review petition.

7) Petitioner may file an additional affidavit in the matter towards compliance of the said order dated 12.10.2023 passed earlier in this review petition.

JUDGE

JUDGE

Comparing Assistant