

GAHC010209672023



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

Case No. : I.A.(Civil)/2832/2023
in
WP(C) 3861/2023

MAHAMMAD ALI
S/O- LATE AMIR UDDIN @ AMERUDDIN, PERMANENT RESIDENT OF
VILLAGE- SATBOINIR TUP, MOUZA- HOWLY, P.S. BARPETA ROAD, DIST.-
BARPETA, ASSAM, PIN- 781315

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETAR., MINISTRY OF HOME AFFAIRS, GOVERNMENT OF
INDIA, SHASTRI BHAWAN, NEW DELHI- 110001

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GHY-06

3:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSION
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

4:THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.A.ROAD
BHANGAGARH

GUWAHATI
ASSAM
PIN- 781005

5:THE DEPUTY COMMISSIONER
BARPETA
P.O. BARPETA
DIST.- BARPETA
ASSAM
PIN- 781301

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
P.O. BARPETA
DIST.- BARPETA
ASSAM
PIN- 781301

7:THE OFFICER-IN-CHARGE
OF BARPETA ROAD POLICE STATION
DIST.- BARPETA
ASSAM
PIN- 78131

Advocate for the Petitioner : MS. D GHOSH

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

06-10-2023

(M.R.Pathak, J)

Heard Ms. D.Ghosh, learned counsel for the applicant and Ms. L. Devi, learned Central Government Counsel as well as Standing counsel, NRC for the opposite party Nos. 1 & 4. Also heard Mr. G. Sarma, learned Standing counsel, Home Department of the State for the opposite party Nos. 2, 6 & 7; Mr. A. I. Ali, learned Standing counsel, Election Commission of India for the opposite party No.

3 and Mr. H. K. Hazarika, learned Government Advocate, Assam for the opposite party No. 5.

2. The applicant herein as a writ petitioner preferred the connected WP(C) No. 3861/2023 against the impugned order dated 31.03.2023 whereby the learned Member, Foreigners' Tribunal, Bajali, Assam in F.T. Case No. 817/2017 opined him to be a foreigner under the Foreigners Act, 1946 who had illegally entered into the territory of India (Assam) on or after 25.03.1971 without any valid document.

3. While considering the said WP(C) No. 3861/2023 at the motion stage, the Court by order dated 04.08.2023 while issuing notice to the respondents in said WP(C) No. 3861/2023 directed its petitioner, i.e., the present applicant to appear before the Superintendent of Police (Border), Barpeta within a period of 15 (fifteen) days from the date of the said order dated 04.08.2023 and to furnish a bail bond of Rs. 5,000/- with one local surety of the like amount to the satisfaction of the said authority, i.e., the Superintendent of Police (Border), Barpeta.

4. By this interlocutory application, the applicant/writ petitioner of said WP(C) No. 3861/2023 has prayed before the Court for extension of the time for his appearance before the Superintendent of Police (Border), Barpeta in terms of the order dated 04.08.2023 passed by the Court in said WP(C) No. 3861/2023 as he could not manage a bailor during the period of 15 (fifteen) days from the said order dated 04.08.2023.

5. As the applicant/writ petitioner of said WP(C) No. 3861/2023 has now managed a bailor, he has filed this interlocutory application on 15.09.2023 praying for extension of the time period for his appearance as directed by the Court earlier on 04.08.2023 in said WP(C) No. 3861/2023.

6. Ms. L. Devi, learned CGC as well as Standing counsel, NRC; Mr. G. Sarma, learned Standing counsel, Home Department of the State; Mr. A. I. Ali, learned Standing counsel, Election Commission of India and Mr. H. K. Hazarika, learned Government Advocate, Assam, have no objection in granting further time to the applicant/writ petitioner of said WP(C) No. 3861/2023 for his appearance before the Superintendent of Police (Border), Barpeta as directed by the Court earlier on 04.08.2023, as noted above.

7. After hearing the learned counsels for the parties and considering the entire aspects of the matter, the applicant/writ petitioner of said WP(C) No. 3861/2023, namely, **Mahammad Ali**, son of late Amir Uddin, is directed to appear before the Superintendent of Police (Border), Barpeta **on or**

before 18.10.2023 for necessary compliance of the order dated 04.08.2023 passed in said WP(C) No. 3861/2023.

8. This order shall be read together with the order dated 04.08.2023 passed in the connected WP(C) No. 3861/2023.

9. With the above observation and directions, this interlocutory application is allowed to the extent above.

JUDGE

JUDGE

Comparing Assistant