

GAHC010209682023



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

Case No. : I.A.(Civil)/2868/2023

HAZERA KHATUN
DAUGHTER OF LATE NAZAR ALI @ NAZERA SHEIKH,
WIFE OF HAZRAT ALI,
RESIDENT OF VILLAGE- BONGSHIBARI,
POLICE STATION- GOBARDHANA,
DISTRICT- BAKSA, ASSAM.

VERSUS

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

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM

HOME DEPARTMENT
DISPUR

GUWAHATI- 781006.

3:THE ELECTION COMMISSION OF INDIA
REPRESENTED 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.S. ROAD
BHANGAGARH

GUWAHATI
ASSAM
PIN- 781005.

5:THE DEPUTY COMMISSIONER
BARPETA
POST OFFICE- BARPETA

DISTRICT- BARPETA
ASSAM.

6:THE SUPERINTENDENT OF POLICE (BORDER)
BARPETA
POST OFFICE- BARPETA

DISTRICT- BARPETA
ASSAM

PIN- 781301.

7:THE OFFICER-IN-CHARGE OF GOBARDHANA POLICE STATION
POST OFFICE- GOBARDHANA

DISTRICT- BAKSA
ASSAM

PIN -781315

Advocate for the Petitioner : MS. D GHOSH

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

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

ORDER

Date : 05.12.2023

(A.M. Bujor Barua, J)

Heard Ms. D. Ghosh, learned counsel for the petitioner. Also heard Ms. A. Verma, learned Special Standing Counsel for the Foreigners Tribunal in the Home Department of Government of Assam and Mr. P. Saikia, learned Junior Government Advocate for the Deputy Commissioner, Barpeta.

2. By the order dated 05.08.2023 in WP(C)/3195/2023 the petitioner was required to appear before the Superintendent of Police (B) Barpeta within fifteen days of the order for the purpose of the Deputy Commissioner obtaining necessary information and documentation as required under the Rules from the petitioner for securing his/her presence. Upon such appearance, the petitioner was required to furnish a bail bond of Rs.5,000/- (Rupees Five Thousand) with one local surety of the like amount to the satisfaction of the authority and the Superintendent of Police (B) Barpeta was also required to take steps for capturing the fingerprints of both hands and biometrics of the iris of the petitioner.

3. It is stated that as because the bailor and the surety was not available, the petitioner could not appear before the Superintendent of Police (B) Barpeta within the fifteen days provided for the purpose. It is stated that in the meantime the bailor and the surety is available and the petitioner would like to appear before the Superintendent. Accordingly, the petitioner is allowed to appear before the Superintendent of Police (B) within a period of another fifteen

days from today in the respect of F.T. 9th (BPT) Case No. 348/2018 corresponding to S.P. Ref. IMD (T) Case No. 6862/98 of the Foreigners' Tribunal No. 9, Barpeta. The other terms and conditions of the order dated 05.08.2023 in WP(C)/3195/2023 shall remain as provided therein.

4. It is also clarified that the expression Superintendent of Police (B) Barpeta in the order dated 05.08.2023 in WP(C)/3195/2023 shall now be read as Superintendent of Police (B) Baksa and accordingly, the petitioner to appear before the Superintendent of Police (B) Baksa. If any other confusion arises regarding the jurisdiction of the Superintendent of Police (B) Baksa, the petitioner may also appear before the Superintendent of Police (B) Barpeta and whosoever between the two is the appropriate authority, may do the needful as per the order of the Court.

I.A. stands closed in the above terms.

JUDGE

JUDGE

Comparing Assistant