

GAHC010210852023



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

Case No. : I.A.(Civil)/2994/2023
in
WP(C) 3003/2020

AMIR UDDIN @ AMIR HOSEN
S/O. LT. ABDUL MATLEB ALI @ MOTLEB ALI SHEIKH, VILL. BHANDARA
PART-1, P.O. BHANDARA BAZAR, P.S. MANIKPUR (EARLIER BIJNI), DIST.
BANGAIGAON, ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW
DELHI-01.

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

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI-07.

4:THE SUPDT. OF POLICE (B)

BANGAIGAON
P.O.
P.S. AND DIST. BANGAIGAON
ASSAM.

5:THE DY. COMMISSIONER

BANGAIGAON
P.O.
P.S. AND DIST. BANGAIGAON
ASSAM.

6:THE ELECTION COMMISSION OF INDIA

THROUGH ITS SECRETARY
NIRBACHAN BHAWAN
NEW DELHI-01.

7:THE STATE CO-ORDINATOR OF NATIONAL REGISTER OF CITIZENS
(NRC)

ASSAM
BHANGAGARH
GHY.-05

Advocate for the Petitioner : MR M H AHMED

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 Mr. M. H. Ahmed, 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. A. I. Ali, learned Standing counsel, Election Commission of India for the opposite party No. 2; Mr. G. Sarma, learned Standing counsel, Home Department of the State for the opposite party Nos. 3, 5 & 6; and Mr. H. K. Hazarika, learned Government Advocate, Assam for the opposite party No. 7.

2. The applicant herein as a writ petitioner preferred the connected WP(C) No. 3003/2020 against

the final order/opinion dated 17.01.2019 whereby the learned Member, Foreigners' Tribunal No.1, Bongaigaon, Assam in F.T. Case No. BNGN/FT/493/07 arising out of Ref.IM(D)T Case No. 23/2005 opined him to be a foreigner of post 1971 stream under the Foreigners Act, 1946.

3. The Court after hearing the matter by its order dated 26.10.2022 set aside and quashed the said impugned order/opinion dated 17.01.2019, noted above and remanded back the said F.T. Case No. BNGN/FT/493/07 to the Foreigners' Tribunal No. 1, Bongaigaon, Assam directing the said Tribunal to give an opportunity to the said petitioner/applicant herein for his cross-examination and also for final hearing of the said case.

4. By the said order dated 26.10.2022, this Court directed the petitioner of said WP(C) No. 3003/2020, i.e., the present applicant to appear before the learned Member, Foreigners' Tribunal No.1, Bongaigaon within a period of 6 (six) weeks along with the certified copy of said order dated 26.10.2022, noted above.

5. It is stated that after obtaining the certified copy of said order dated 26.10.2022 passed in said WP(C) No. 3003/2020 on 24.07.2023, though the said petitioner appeared before the learned Member, Foreigners' Tribunal No.1, Bongaigaon in said F.T. Case No. BNGN/FT/493/07 arising out of Ref.IM(D)T Case No. 23/05; but the learned Member, Foreigners' Tribunal No. 1, Bongaigaon did not record his presence considering that it was beyond the period of 6 (six) weeks from the date of the order dated 26.10.2022 passed earlier in said WP(C) No. 3003/2020.

6. Hence, the said petitioner of WP(C) No. 3003/2020 as applicant has filed this interlocutory application praying for extension of the time for his appearance before the learned Member, Foreigners' Tribunal No. 1, Bongaigaon in terms of the order dated 26.10.2022 passed earlier in said WP(C) No. 3003/2020.

7. After hearing the learned counsels for the parties and considering the entire aspects of the matter, the applicant/petitioner of said WP(C) No. 3003/2020, namely, **Amir Uddin @ Amir Hosen**, son of late Abdul Matleb Ali, is directed to appear before the learned Member, Foreigners' Tribunal No. 1, Bongaigaon **on or before 19.10.2023** for necessary compliance of the order dated 26.10.2022 passed in said WP(C) No. 3003/2020.

8. This order shall be read together with the order dated 26.10.2022 passed in the connected WP(C) No. 3003/2020.

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

JUDGE

JUDGE

Comparing Assistant