

GAHC010015892024



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

Case No. : I.A.(Civil)/411/2024

HANUFA KHATUN
D/O- LATE HANIF ALI, W/O- MONSER ALI, VILL.- BUNMAJA PATHAR, P.S.
GOBARDHANA, DIST. BARPETA, ASSAM, PIN- 781315.

VERSUS

UNION OF INDIA AND 5 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE DEPUTY COMMISSIONER
BARPETA
DIST. BARPETA
ASSAM
PIN- 781301.

4:THE SUPERINTENDENT OF POLICE (B)
BARPETA
ASSAM
PIN- 781301.

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI-110001.

6:THE STATE CO-ORDINATOR
NATIONAL REGISTRAR OF CITIZENS (NRC)

BHANGAGARH
PIN- 781032

Advocate for the Petitioner : MR. A M AHMED

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

BEFORE

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI**

O R D E R

16.02.2024

(M.R. Pathak, J)

Heard Ms. P. Ghosh, learned counsel appearing for the applicant/writ petitioner, Ms. A. Verma, learned Standing Counsel, Home Department, Assam for the respondent Nos. 2 and 4, Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the respondent No. 3 and Mr. H. Kuli, learned Standing Counsel, Election Commission of India for the respondent No.5.

2. While issuing notice in the connected WP(C) No.1386/2023 preferred by the applicant/writ petitioner on 04.12.2023, in the interim, the applicant/writ petitioner was directed to appear before the Superintendent of Police (Border), Barpeta on or before 20.12.2023 for her bail, as she was declared to be a foreigner under the Foreigners Act, 1946 by the opinion dated 12.08.2022 passed by the learned Member, Foreigners' Tribunal No.6, Barpeta in F.T. Case No.142/2016.

3. By a communication dated 20.12.2023, the SP (B), Barpeta, informed the Registry of this Court that since the address of the said applicant/petitioner of WP(C) No.1386/2023 is of village Bunmaja Pathar,

P.S- Gobardhana, which is now under Baksa district, the records of said F.T. Case No.142/2016 had already been sent to the Superintendent of Police (Border), Baksa and as such, the applicant/writ petitioner is required to appear before the said SP (B), Baksa instead of SP (B), Barpeta.

4. Accordingly, the petitioner in said WP(C) No. 1386/2023 has filed this interlocutory application for modification of the order dated 04.12.2023 to the extent that she should now be allowed to appear before the Superintendent of Police (Border), Baksa in terms of the order dated 04.12.2023 passed in WP(C) No. 1386/2023, and also to extend the time period in terms of said order for her appearance before the SP(B), Baksa.

5. On hearing the parties, considering the above and the communication of the SP (B), Barpeta dated 20.12.2023, we accordingly modify the order dated 04.12.2023 passed in the connected WP(C) No. 1386/2023 to the extent that the applicant/petitioner of WP(C) No. 1386/2023 shall now appear before the Superintendent of Police (Border), Baksa on or before **28.02.2024** and shall comply with the direction as specified in the order dated 04.12.2023 passed in said WP(C) No. 1386/2023.

6. This order shall be read together with the order dated 04.12.2023 passed in the connected WP(C) No. 1386/2023.

7. To the extent above, this interlocutory application stands allowed.

JUDGE

JUDGE