

GAHC010055352024



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

**Case No. : I.A.(Civil)/857/2024**

MD ISMAIL HUSSAI @ ISMAIL HUSSAIN @ ISMAIL ALI  
S/O- LATE KABAJUDDIN @ KABIJUDDIN @ KABAJUDDIN BEPARI @ MD.  
KARAJUDDAN SHEIKH,  
R/O- VILLAGE NO. 2 BARUAH PATHAR,  
P.S.- BOKO,  
DIST.- KAMRUP, ASSAM.

VERSUS

THE UNION OF INDIA AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, HOME  
DEPARTMENT, NEW DELHI-1.

2:THE STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM

HOME DEPARTMENT  
DISPUR  
GUWAHATI-06.

3:THE ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN  
ASHOK ROAD

NEW DELHI  
PIN- 110001.

4:THE DEPUTY COMMISSIONER  
KAMRUP  
DIST.- KAMRUP  
ASSAM

PIN- 781031.

5:THE SUPERINTENDENT OF POLICE (BORDER)  
KAMRUP  
DIST.- KAMRUP  
ASSAM  
PIN- 781031.

6:THE STATE COORDINATOR  
NATIONAL REGISTRATION OF CITIZEN  
ASSAM  
BHANGAGARH  
GUWAHATI-05

**Advocate for the Petitioner : MR S HOQUE**

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

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM  
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**Date : 17-07-2024  
(*Suman Shyam, J*)**

Heard Mr. A. Dasgupta, learned Sr. counsel assisted by Mr. S. Hoque, learned counsel for the applicant/ writ petitioner. Also heard Ms. L. Devi, learned CGC appearing on behalf of Union of India, Mr. G. Sarma, learned standing counsel appearing for the Home & Political Department and FT, Mr. H.K. Hazarika, learned Govt. Advocate, Assam and Mr. A.I. Ali, learned standing counsel, ECI.

It appears from the materials on record that the learned Member, Foreigners Tribunal No. 2, Kamrup at Boko had rendered order dated 04-08-2023 in connection with BFT Case No. 70/2016 declaring the petitioner to be a foreigner of post 1971 stream. Assailing the order dated 04-08-2023 the applicant, as writ petitioner, had approached this Court by

filing W.P.(C) No. 7294/2023, wherein this Court had passed order on 18-12-2023, *inter alia*, granting interim protection to the applicant with a direction to the writ petitioner to appear before the Superintendent of Police (Border), Kamrup at Amingaon on or before 04-01-2024. However, according to the learned Sr. counsel, the applicant was out of station and therefore, he could not appear before the SP(B), Kamrup at Amingaon within the date stipulated in the order dated 18-12-2023. As such, the instant I.A. has been filed with a prayer to extend the date of appearance of the applicant/ writ petitioner before the SP(B), Kamrup at Amingaon so as to avail the benefit of interim relief granted vide order dated 18-12-2023 passed by this Court.

Mr. G. Sarma, learned standing counsel, Home & Political Department and FT submits that he would have no objection, if 10 days further time is granted to the applicant to appear before the SP(B) with a rider that no further extension of time shall be granted to him for that purpose. The learned counsel for other opposite parties have also taken similar stand in the matter.

In view of the above and having regard to the facts and circumstances of the case, we dispose of this I.A. by granting time to the applicant up-to 29-07-2024 to appear before the SP(B), Kamrup at Amingaon in terms of the order dated 18-12-2023. The time period granted by the order dated 18-12-2023 for appearance of the petitioner accordingly stands extended till 29-07-2024. The order dated 18-12-2023 stands modified to the above extent.

With the above observation, this I.A. stands disposed of.

**JUDGE**

**JUDGE**

GS

**Comparing Assistant**