

GAHC010091652024



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

Case No. : WP(C)/2478/2024

MAHUR ALI @ MOHOR ALI @ MD. MEHAR ALI
SON OF LT. JOSIMUDDIN @ JASIMUDDIN ALI @ JASIM UDDIN,
PERMANENT RESIDENT OF VILLAGE- TAMULDI, P.S. BOKO, IN THE
KAMRUP DISTRICT OF ASSAM (CURRENTLY UNDER DETENTION AT
MATIA TRANSIT CAMP)

VERSUS

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

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI- 110001

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 781006

4:THE DEPUTY COMMISSIONER
KAMRUP (METRO)
781036

5:THE SENIOR SUPERINTENDENT OF POLICE (B) CITY
GUWAHATI
781001
ASSAM

6:THE COORDINATOR
NATIONAL REGISTER OF CITIZENS
BHANGAGARH
GUWAHATI-0

Advocate for the Petitioner : MR A W AMAN, MS SURAYA RAHMAN,MR S A
BARBHUYAN,MR SARFRAZ NAWAZ

Advocate for the Respondent : DY.S.G.I., GA, ASSAM,SC, F.T,SC, ELECTION COMMISSION.

Linked Case : I.A.(Civil)/1386/2024

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BHANGAGARH
GUWAHATI-04

Advocate for : MR A W AMAN
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

07.08.2024

(K.R. SURANA,J)

Heard Mr. A.W. Aman, learned counsel for the applicant. Also heard Mr. C.K.S. Baruah, learned CGC for the respondents No. 1 & 6; Mr. M. Kalita, learned counsel appearing on behalf of Ms. P. Barua, learned Standing Counsel, ECI for the respondent No. 2; Ms. A. Verma, learned Standing Counsel, Home Department for the respondents no. 3 & 5 and Mr. H.K. Hazarika, learned Government Advocate for the respondent No. 4.

By order dated 22.07.2024, notice was issued in this interlocutory application, by which applicant seeks his release from the designated Transit Camp at Matia, where he has been detained since 24.02.2024.

The learned counsel for the applicant, referring to the documents annexed to the connected writ petition project that the applicant has produced the documents which indicates that how the father and grandfather residing in the same village and has submitted that owing to the discrepancy of the names, the learned Tribunal had rejected the evidence and declared the petitioner to be a foreigner

post 25.03.1971.

The prayer made in this interlocutory application is opposed by the learned Standing Counsel, Home Department.

A perusal of the records received from the learned Foreigners' Tribunal, this Court is of the view that the matter requires further examination.

Therefore, this Court is inclined to grant bail to the applicant, namely, Mahur Ali @ Mohor Ali @ Md. Mehar Ali, on condition that he shall appear before the Deputy Commissioner of Police (B), Kamrup (Metro) at Guwahati within 10 (ten) days from during the office hours and shall furnish a bail bond of Rs. 5,000/- with one local surety of the like amount to the satisfaction of the said authority. Further, the Deputy Commissioner of Police (B), Kamrup (Metro) at Guwahati is directed that on appearance of the applicant within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the applicant shall be obtained, where after, he shall be allowed to remain on bail.

7. On his appearance before the Deputy Commissioner of Police (B), Kamrup (Metro) at Guwahati, as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence.

8. In view of the above, the interlocutory application stands disposed of.

JUDGE

JUDGE

Comparing Assistant