

GAHC010110852024



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

Case No. : I.A.(Civil)/1713/2024

SURIA KHATUN,
D/O- LATE IYAD ALI, W/O- ABDUL KASHEM, VILL- KALJAR, P.S. HOWLY,
P.O. BETBARI, DIST.- BARPETA, ASSAM, PIN- 781316

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
DEPARTMENT OF HOME, NEW DELHI-1

Advocate for the Petitioner : MR. A ROSHID

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

Linked Case : WP(C)/614/2024

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D/O- LATE IYAD ALI
W/O- ABDUL KASHEM
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VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
DEPARTMENT OF HOME
NEW DELHI-1

2:THE STATE OF ASSAM

REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF HOME
DISPUR
GUWAHATI-6
3:THE DISTRICT COMMISSIONER
BARPETA
PIN- 781301
4:THE SUPERINTENDENT OF POLICE (BORDER)
BARPETA
PIN- 781301
5:THE DISTRICT COMMISSIONER
BAJALI
PIN- 781325
6:THE SUPERINTENDENT OF POLICE (BORDER)
BAJALI
PIN- 781325
7:THE ELECTION COMMISSION
GOVT. OF INDIA
NEW DELHI-1
8:THE STATE CO-ORDINATOR OF NATIONAL REGISTRATION (NRC)
ASSAM
HOUSE FED 2ND FLOOR
GUWAHATI- 32

Advocate for : MR. A ROSHID
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 8 ORS

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

ORDER

Date : 21/06/2024
Suman Shyam, J

Heard Mr. A. Roshid, learned counsel for the applicant. Also heard Ms. A. Verma, learned Standing Counsel, Home Department, Assam; Mr. R.K. D. Choudhury, learned DSGI and Mr. P. Sarma, learned Government Advocate, Assam, appearing for the official respondents.

This IA has been filed with a prayer to modify/clarify the order dated 06/05/2024 passed by this Court in WP(C) 614/2024 whereby, the applicant/writ petitioner was directed to appear before the Superintendent of Police (Border), Bajali so as to avail the benefit of the interim order passed by this

Court.

Mr. Roshid submits that due to reorganization of the districts in the State of Assam, there is some confusion as to which of the Superintendent of Police (B) would have the jurisdiction in such matter in a given case. When the applicant approached the Superintendent of Police (B), Bajali seeking compliance of the order dated 06/05/2024, she was asked to approach the Superintendent of Police (B), Barpeta, as a result of which, the applicant has been prevented from availing the benefit of the interim relief. As such, the IA has been filed seeking necessary clarification.

The learned departmental counsel appearing for the official respondents have fairly submitted that this is a genuine case where a clarification needs to be issued by this Court since the applicant cannot be held liable for any confusion in these matters.

After hearing the submissions advanced at the Bar and after going through the materials available on record, we dispose of the IA by clarifying that in terms of the order dated 06/05/2024 passed by this Court, the applicant shall appear before the Superintendent of Police (Border), Barpeta, instead of Superintendent of Police (Border), Bajali, within a period of 10(ten) days from today and produce a copy of this order along with the copy of order dated 06/05/2024. The order dated 06/05/2024 stands clarified to the above extent.

With the above observation, the IA stands disposed of.

JUDGE

JUDGE

sukhamay

Comparing Assistant