

GAHC010131032023



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

Case No. : I.A.(Civil)/1805/2023

ADHIR SARKAR @ ADHIR CHANDRA SARKAR
S/O- LATE JAGADISH SARKAR, R/O- VILL.- HALDIBARI PART-II, P.S.
ABHAYAPURI, DIST.- BONGAIGAON, ASSAM, PIN- 783383.

VERSUS

THE UNION OF INDIA AND 7 ORS.
REP. BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, SHASTRI BHAWAN, NEW DELHI-110001.

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

3: THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSION
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001.

4: THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S. ROAD
BHANGAGARH
GUWAHATI
ASSAM
PIN- 781005.

5:THE FOREIGNERS TRIBUNAL
BONGAIGAON NO.2
ABHAYAPURI
P.O. AND P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783383.

6:THE DEPUTY COMMISSIONER
BONGAIGAON
P.O.
P.S. AND DIST.- BONGAIGAON
ASSAM
PIN- 783380.

7:THE SUPERINTENDENT OF POLICE (BORDER)
BONGAIGAON
PO.
P.S. AND DIST.- BONGAIGAON
ASSAM
PIN- 783380.

8:THE OFFICER-IN-CHARGE
ABHAYAPURI POLICE STATION
P.O. ABHAYAPURI
DIST.- ABHAYAPURI
ASSAM
PIN- 783383

Advocate for the Petitioner : MR. M AHMED, MR. I H LASKAR

Advocate for the Respondent : ASSTT.S.G.I., SC, ECI,SC, NRC,SC, F.T

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 11.11.2024
(K.R. Surana, J)

Mr. D.K. Agarwala, learned counsel for the applicant prays for an

adjournment as the counsel for the applicant is not available.

2. Heard Mr. M. Adhikary, learned CGC appearing for the respondent No.1; Mrs. A. Verma, learned Standing counsel, Home Department appearing for the respondents No.2, 7 and 8 and Mr. A.I. Ali, learned counsel for the respondent No.3 and Mr. R. Talukdar, learned Government Advocate appearing for the respondent No.6.

3. The Court finds that the Foreigners' Tribunal No.2 Bongaigaon, Abhayapuri is not a necessary party in the adjudication and accordingly, the respondent No.5 is struck off.

4. The Registry shall do the necessary correction in the Cause Title without altering the seriatim of the parties.

5. By this Interlocutory Application, the applicant has prayed for condoning the delay of 53 days beyond the period of limitation in filing the connected review petition.

6. The learned Standing counsel, Home Department has opposed the prayer made in the application.

7. However, on considering the projection that the applicant was taken into custody pursuant to the opinion dated 04.07.2016 passed by the learned Member, Foreigners' Tribunal, Bongaigaon No.2, Abhayapuri in Case No.

BNGN/FT/Case No.3683/2008 and after three years of detention, he was released and it is projected that the petitioner was under financial constraint, for which, the review could not be filed on time, Court is inclined to allow the application.

8. The delay of 53 days beyond the period of limitation in filing the connected review petition stands allowed.

9. List the connected review petition after a week.

JUDGE

JUDGE

Comparing Assistant