

GAHC010149222023



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

Case No. : I.A.(Civil)/3363/2023

SHUKUMAR ROY @ SUKUMAR ROY
S/O LT. RAMESH ROY R/O VILL- MOISA PT.I, P.O. AND P.S. AGOMONI DIST.
DHUBRI, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF
HOME AFFAIRS, NEW DELHI-110001.

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE SECRETARY TO THE GOVT. OF ASSAM
POLITICAL B DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE SUPERINTENDENT OF POLICE B
DHUBRI
ASSAM

5:THE DEPUTY COMMISSIONER
DHUBRI

Advocate for the Petitioner : MS S A KHALIFA
Advocate for the Respondent : GA, ASSAM

BEFORE

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

O R D E R

04.03.2024

(M.R. Pathak, J)

Heard Ms. K. Devi, learned counsel appearing for the applicant/petitioner and Ms. A. Verma, learned Standing Counsel, Home Department, Assam for the opposite parties/respondent Nos.2, 3 and 4. Also heard Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the opposite party/respondent No.5.

2. In F.T. Case No.FT(10)/AGM/271/2016, the learned Member, Foreigners' Tribunal No. 10, Dhubri, by its opinion dated 05.04.2017, opined him to be a foreigner under the Foreigners Act, 1946, who had entered the State of Assam on or after 25.03.1971 and aggrieved by the said opinion, the applicant as petitioner preferred the connected WP(C) No. 2962/2017.

3. A co-ordinate Bench of this Court by its order dated 27.03.2023 disposed of the said WP(C) No. 2962/2017 preferred by the applicant/writ petitioner by remanding the matter back to the Foreigners' Tribunal No. 10, Dhubri for reconsideration of his case considering his birth certificate of which registration date is 21.02.1987 and other documents and to pass a reasoned order directing the applicant/petitioner to appear before the said Tribunal on 04.05.2023, with the observation that till the reasoned order is passed, no coercive action shall be taken against the petitioner.

4. It is placed before the Court that though the certified copy of the order dated 27.03.2023 passed in said WP(C) No. 2962/2017 was obtained on 30.03.2023, but the engaged learned counsel forwarded the same to the

applicant/petitioner by speed post only on 27.04.2023 and as the applicant received the certified copy of the said order dated 27.03.2023 belatedly, he failed to appear before the said Foreigners Tribunal on 04.05.2023..

5. Hence, this application by the said petitioner of WP(C) No. 2962/2017 for extension of time for his appearance before the Foreigners Tribunal No. 10, Dhubri in F.T. Case No. FT(10)/AGM/271/2016 as directed earlier by the Court on 27.03.2023 in WP(C) No. 2962/2017.

6. After hearing the learned counsel for the parties, we hereby extend the date of appearance of the applicant/ petitioner, namely, **Shukumar Roy @ Sukumar Roy** before the Foreigners' Tribunal No. 10, Dhubri in F.T. Case No. FT(10)/AGM/271/2016 up to 19.03.2024, if in the mean while due to non-appearance of the applicant within the earlier specified time i.e. 04.05.2023, the said Tribunal had not disposed of the said F.T. Case No. FT(10)/AGM/271/2016.

7. The petitioner shall now appear before the Foreigners Tribunal No. 10, Dhubri on or before 19.03.2024 along with a certified copy of this order.

8. This order shall be read together with the order dated 27.03.2023 passed in WP(C) No. 2962/2017.

9. The interlocutory application stands allowed to the extent indicated above.

JUDGE

JUDGE

Comparing Assistant