

GAHC010165682024



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

Case No. : I.A.(Civil)/2524/2024

MOINUL HOQUE @ MONIRUL ALI @ MONIRUL HOQUE
S/O- LT. MOTIUR RAHMAN @ MATUR RAHMAN,
R/O- VILL. NO. 1 ARUNADOI GAON,
GOMARIGURI,
P.O. AND P.S.- MERAPANI,
DISTRICT- GOLAGHAT (ASSAM).

VERSUS

THE UNION OF INDIA AND 5 ORS
TO BE REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-
1.

2:THE STATE OF ASSAM
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY OF
HOME DEPARTMENT

DISPUR
GUWAHATI
ASSAM.

3:THE SUPERINTENDENT OF POLICE (BORDER)
JORHAT
ASSAM
PIN- 785700.

4:THE DEPUTY COMMISSIONER
JORHAT
P.O. AND DIST.- JORHAT
ASSAM

PIN- 785001.

5:THE ASSAM STATE CO-ORDINATOR OF NRC
BHANGAGARH
GUWAHATI-5.

6:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI

Advocate for the Petitioner : S AHMED, MS A HUSSAIN

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

Linked Case : WP(C)/3171/2024

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Advocate for : S AHMED

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

Date : 27.08.2024
(K.R. Surana, J)

Heard Mr. S. Ahmed, learned counsel for the applicant. Also heard Mr. J. Payeng, learned standing counsel for the Home Department; Ms. P. Barua, learned standing counsel for the ECI; and Mr. H.K. Hazarika, learned Govt. Advocate for respondent no.4. None appears on call for the Union of India.

2. This interlocutory application has been filed for correction of the cause title of WP(C) 3171/2024 in respect of respondent nos.3 and 4 as well as for consequential correction of the order dated 05.08.2024, passed by this Court in the said writ petition so as to enable the petitioner to appear before the jurisdictional Superintendent of Police (Border), Golaghat instead of the

Superintendent of Police (Border), Jorhat.

3. On a query of the Court, the learned standing counsel for the Home Department has submitted that the Foreigners Tribunal, Jorhat also has jurisdiction over the Golaghat District and as the petitioner is a resident of Golaghat District and the reference was also made by the Superintendent of Police (Border), Golaghat, bail is required to be taken before the said authority. Accordingly, the prayer made in this interlocutory application is allowed.

4. The nomenclature of respondent no.3 shall now be read as Superintendent of Police (Border), Golaghat in substitution of the existing cause title of respondent no.3, who was the Superintendent of Police (Border), Jorhat.

5. The nomenclature of respondent no.4 shall now be read as District Commissioner, Golaghat in substitution of the existing cause title of respondent no.4, who was the District Commissioner, Jorhat.

6. We take note of the mistake in the name of opposite party no.4 as the authority is no longer the Deputy Commissioner, Golaghat, but it is District Commissioner, Golaghat.

7. The learned counsel for the applicant prays to permit him to submit an amended cause title within 2 (two) days before the concerned AO(J), who is the in-charge of the FT matters.

8. Pending submission of the amended cause title interlocutory application, the substitution of respondent no.4 is allowed.

9. Resultantly, the directions contained in paragraph 6 and 7 of the order dated 05.08.2024, passed in WP(C) 3171/2024 shall now be read as follows:

“6. Subject to taking steps on the respondents as directed above, in the interim, the petitioner, namely, Moinul Hoque @ Monirul Ali @ Monirul Hoque, if has not already detained in custody, shall not be

taken into custody and deported from the territory of India, on condition that he shall appear before the Superintendent of Police (Border), Golaghat within 10 (ten) days from today 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 Superintendent of Police (Border), Golaghat, is directed that on appearance of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, where after, he shall be allowed to remain on bail.

7. On his appearance before the Superintendent of Police (Border), Golaghat, as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence.”

10. Accordingly, paragraph 6 and 7 of the order dated 05.08.2024, passed in WP(C) 3171/2024 shall be read together with order passed today in this interlocutory application.

11. This interlocutory application stands allowed.

JUDGE

JUDGE

Comparing Assistant