

GAHC010174302024



2024:GAU-AS:12250

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

Case No.: WP(C)/4963/2024

DUKHI MIYA
S/O- LATE CHENGU MIYA
VILL.- GARALA
P.S. BAGHBAR
DIST. BARPETA
ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
TO BE REPRESENTED BY THE SECRETARY
GOVT. OF INDIA
DEPARTMENT OF HOME AFFAIRS
NEW DELHI.

2:THE STATE OF ASSAM
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT OF HOME
DISPUR
GUWAHATI-06.

3:THE NATIONAL REGISTRAR OF CITIZEN
TO BE REPRESENTED BY THE STATE CO-ORDINATOR
ASYUT PLAZA
BHANGAGAGRH
KAMRUP(M)
ASSAM

4:ELECTION COMMISSION OF INDIA

TO BE REPRESENTED BY THE CHIEF ELECTION COMMISSION OF INDIA.

5:THE DEPUTY COMMISSIONER

BARPETA
DIST- BARPETA
ASSAM
PIN- 781301.

6:THE SUPERINTENDENT OF POLICE (B)

BARPETA
DIST. BARPETA
ASSAM
PIN- 781301.

Advocate for : Mr M U Ahmed
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

04.12.2024

(K.R. Surana, J)

Heard Mr. M. U. Ahmed, learned counsel for the applicant. Also heard Mr. G. Sharma, learned Standing Counsel for the Home Department and FT matters representing respondent nos. 2, 3 and 6; Ms. P. Barua, learned Standing Counsel representing respondent no.4; Mr. P. Sarmah, learned Senior Govt. Advocate representing respondent no.5 and Mr. R. K. D. Choudhury, learned

counsel for DSGI representing respondent no.1.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the opinion dated 29.03.2023, passed by the learned Member, Foreigners' Tribunal No. 4th, Barpeta, in F.T Case No. 78/2017 (arising out of Ref. F.T. Case No.08/17) and F.T Case No. 1090/16 (arising out of Ref. IM(D)T Case No.3465/98), declaring the petitioner as a foreigner who has entered India illegally after 25.03.1971 stream.

3. Issue notice returnable in 4 (four) weeks.

4. In the meanwhile, learned counsel for the petitioner shall serve requisite extra copies of the writ petition to the learned DSGI, State as well as Departmental Counsel within 2 (two) working days.

5. Accordingly, the Registry shall call for the relevant records from the concerned Foreigners' Tribunal.

6. List after 4 (four) weeks and/or on receipt of the Tribunal records.

JUDGE

JUDGE

Comparing Assistant