

GAHC010175632024



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

Case No. : I.A.(Civil)/2706/2024

FAKAR UDDIN
S/O. LT. KHAIMUDDIN, R/O VILL. BHERALDI, MOUZA- BARPETA, P.S. AND
DIST. BARPETA, ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY ITS SECRETARY, DEPTT. OF HOME, NEW DELHI-01.

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF HOME
DISPUR
GUWAHATI-06.

3:THE ELECTION COMMISSION OF INDIA

NEW DELHI-110001.

4:THE DY. COMMISSIONER

BARPETA
ASSAM-781301.

5:THE MEMBER

FOREIGNERS TRIBUNAL 1ST
BARPETA-781301.

6:THE SUPDT. OF POLICE (B)

BARPETA

ASSAM-781301.

7:THE STATE COORDINATOR

NRC
ASSAM
ACHYUT PLAZA (1ST FLOOR) BHARALUPUR
BHANGAGHAR
GUWAHATI-05

Advocate for the Petitioner : MR. N J DUTTA, MR N AHMED,MR. M M ZAMAN

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

Linked Case : WP(C)/8701/2018

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VILL. BHERALDI
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P.S. AND DIST. BARPETA
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Advocate for : MR S M T CHISTIE
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 03.10.2024
(K.R. Surana, J)

Heard Mr. A.R. Sikdar, learned counsel for the applicant. Also heard Mr. J. Payeng, learned standing counsel for the Home Department along with Mr. G. Sarma, learned Govt. Advocate; Mr. R.K. Talukdar, learned Govt. Advocate for opposite party no.4; Ms. N. Bedi, learned counsel appearing on behalf of Ms. P. Barua, learned standing counsel for the ECI; and Ms. J. Sarma, learned CGC.

2. By filing this interlocutory application, the applicant, who is the petitioner in the connected WP(C) 8701/2018, is seeking extension of further

time to appear before the Superintendent of Police (Border), Barpeta.

3. The learned counsel for the applicant has submitted that due to the causes as explained in the application, the applicant could not appear before the Superintendent of Police (Border), Barpeta as directed vide order dated 14.06.2024, passed in the connected WP(C) 8701/2018.

4. The learned standing counsel for the Home Department has opposed the prayer on the ground that though this Court had granted bail to the petitioner by order dated 14.06.2024, the conditions of the order has not been complied with.

5. Be that as it may, in view of the explanation tendered that the engaged counsel did not inform the applicant about the order dated 14.06.2024, the Court is inclined to extend time for the applicant to appear before the Superintendent of Police (Border), Barpeta by providing that in the event the applicant appears before the said authority within 14.10.2024, the Superintendent of Police (Border), Barpeta shall grant bail to the petitioner in terms of the order dated 14.06.2024, passed in WP(C) 8701/2018.

6. This order shall be read together with order dated 14.06.2024, passed in WP(C) 8701/2018.

7. This interlocutory application stands allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant