

GAHC010177002024



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

**Case No. : WP(C)/4489/2024**

MD. NURUL ISLAM @ NURUL ISLAM @ NUR ISLAM  
SON OF LT. IMAN ALI AND PERMANENT RESIDENT OF VILLAGE-  
AMLAKHI, P.S. BATADRAVA, DISTRICT- NAGAON, ASSAM

VERSUS

UNION OF INDIA AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,  
MINISTRY OF HOME AFFAIRS, NEW DELHI, PIN- 110001

2:ELECTION COMMISSION OF INDIA  
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER  
NEW DELHI- 110001

3:STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
HOME DEPARTMENT  
DISPUR  
GUWAHATI- 781006

4:THE DISTRICT COMMISSIONER  
NAGAON PIN- 782001

5:THE SUPERINTENDENT OF POLICE (B)  
NAGAON  
PIN- 782001

6:THE COORDINATOR  
NATIONAL REGISTER OF CITIZENS  
BHANGAGARH  
GUWAHATI- 78100

**Advocate for the Petitioner** : MR A W AMAN, SAMIM RAHMAN,MR S A BARBHUYAN,MR SARFRAZ NAWAZ,MS SURAYA RAHMAN

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

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

**ORDER**

**Date : 11.09.2024**  
(S. Saikia, J)

Heard the learned counsel for the parties.

2. By filing this writ petition, the petitioner has challenged the opinion dated 20.04.2021, passed by the learned Member, Foreigners Tribunal-6<sup>th</sup>, Nagaon in FT Case No. NFT(6<sup>th</sup>)269/2016, whereby the Tribunal had held that the petitioner is a foreigner as defined under Section 2(a) of the Foreigners' Act, 1946 and the reference was answered in favour of the State.

3. After arguing the matter at some length, the learned counsel for the petitioner submits that since the basis of passing the opinion was that the petitioner took no steps for cross-examination pursuant to his last appearance before the Tribunal, which was during the Covid-19 pandemic period, he would like to exhaust his remedies by filing a review petition before the learned Tribunal.

4. Accordingly, without expressing any opinion on the merits of the opinion dated 20.04.2021, passed by the learned Member, Foreigners Tribunal-6<sup>th</sup>, Nagaon in FT Case No. NFT(6<sup>th</sup>)269/2016, this writ petition stands closed by giving liberty to the petitioner to file a review before the learned Tribunal, if

so advised.

5. Needless to say that if the grievance subsists, the petitioner is at liberty to approach this Court again.

6. The petitioner is also given liberty to file an application seeking adequate protection before the Tribunal and if such application is filed, the learned Tribunal will consider and pass appropriate orders as per procedure of law. The certified copy of the opinion dated 20.04.2021, passed by the learned Member, Foreigners Tribunal-6<sup>th</sup>, Nagaon in FT Case No. NFT(6<sup>th</sup>)269/2016 be returned back to the petitioner by the Registry.

**JUDGE**

**JUDGE**

**Comparing Assistant**