

GAHC010195102024



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

Case No. : I.A.(Civil)/2947/2024

MAHUR UDDIN
S/O- LT. HASEN ALI,
R/O- VILLAGE- ITARBHITA,
P.O. AND P.S.- HOWLY,
DISTRICT- BARPETA, ASSAM.

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, GOVERNMENT OF
INDIA, NEW DELHI-01.

2:THE ELECTION COMMISSION OF INDIA
NEW DELHI-01.

3:THE STATE OF ASSAM
REPRESENTED BY THE GOVERNMENT OF ASSAM

HOME DEPARTMENT
DISPUR
GUWAHATI- 06.

4:THE ASSAM STATE CO-ORDINATOR OF NRC
BHANGAGARH
GUWAHATI-05.

5:THE DEPUTY COMMISSIONER
BARPETA
DISTRICT- BARPETA
ASSAM
PIN- 781301.

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
DISTRICT- BARPETA
ASSAM
PIN- 781301.

7:THE DEPUTY COMMISSIONER
BAJALI
DISTRICT- BAJALI
ASSAM
PIN- 781325.

8:THE SUPERINTENDENT OF POLICE(B)
BAJALI
DISTRICT- BAJALI
ASSAM
PIN- 781325

Advocate for the Petitioner : MR. S A AHMED, MR. F A AHMED,A. KHANAM,C S
KAMTHONG

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

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

ORDER

03.10.2024

[K.R. Surana, J]

Heard Mr. S.A. Ahmed, learned counsel for the applicant/petitioner. Also heard Ms. J. Sarma, learned CGC, Mr. G. Sarma, learned Standing Counsel, F.T., Ms. N. Bedi, learned counsel appearing on behalf of Ms. P. Baruah, learned Standing Counsel, ECI, and Mr. R. Talukdar, learned Government Advocate, Assam.

2] The present application has been filed for making certain correction in the order dated 28.08.2024 passed in WP(C) No.4268/2024 which is pending before this Court.

3] It has been submitted that when the proceeding was initiated, it was under the jurisdiction of Bajali district. However, subsequently after bifurcation of Bajali district from Barpeta district, the place where the applicant/petitioner stays now falls under the Barpeta district and accordingly, it comes under the jurisdiction of Superintendent of Police (Border), Barpeta.

4] In that view of the matter, it has been submitted that the applicant/petitioner may be permitted to appear before the Superintendent of Police (B), Barpeta to avail his bail.

5] The application, not being objected to, is allowed.

6] As a natural consequence, the earlier direction issued by this Court on 28.08.2024 in WP(C) No.4268/2024 directing the applicant/petitioner to appear before the Superintendent of Police (B), Bajali will stand modified by directing the applicant/petitioner to appear before the Superintendent of Police (B), Barpeta on or before 14.10.2024. However, the terms and conditions of bail as directed by this Court earlier on 28.08.2024 in WP(C) No.4268/2024 will remain same.

7] With the above observations and directions, the present application stands allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant