

GAHC010201252024



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

Case No. : I.A.(Civil)/3065/2024
in
WP(C) No. 8879/2018

AYESHA KHATUN
D/O- LATE ABDUL RAHMAN, W/O- JABED ALI, VILL- SATBHANIRTUP, P.S-
BARPETA ROAD, DIST- BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
THROUGH THE SECRETARY TO THE MIN OF HOME AFFAIRS, GOVT OF
INDIA, SHASTRI BHAWAN, TILOK MARG, NEW DELHI- 01

2:THE STATE OF ASSAM
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM
HOME DEPTT
DISPUR
GHY- 06

3:THE ELECTION COMMISSIONER OF INDIA
THROUGH ITS SECRETARY
NIRVACHAN BHAWAN
NEW DELHI- 01

4:THE STATE COORDINATOR
NRC
ASSAM
BHANGAGARH
GUWAHATI- 05

5:THE DEPUTY COMMISSIONER
BARPETA
DIST- BARPETA
ASSAM

PIN- 781301

6:THE SUPERINTENDENT OF POLICE(B)
BARPETA
DIST- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

26-09-2024

(Soumitra Saikia, J)

Heard Mr. R. Ali, learned counsel for the applicant/petitioner and Ms. S. Baruah, learned Central Government Counsel for the respondent No.1. Also heard Mr. G. Sarma, learned Standing Counsel, Home Department, Assam for the respondent Nos. 2 and 6; Mr. A. I. Ali, learned Standing Counsel, Election Commission of India for the respondent No.3 as well as Mr. H. K. Hazarika, learned Government Advocate, Assam for the respondent No.5.

2) This interlocutory application has been filed by the applicant/writ petitioner seeking extension of further time to comply with the order dated 29.05.2024, passed in the connected WP(C) No. 8879/2018.

3) By order dated 29.05.2024, passed in said WP(C) No. 8879/2018, a Co-ordinate Bench of this Court, while issuing rule in the said writ petition, directed the applicant/writ petitioner to appear before the Superintendent of Police (Border), Barpeta on or before 21.06.2024 during office hours with a certified copy of the said order dated 29.05.2024 and furnish a bail

bond of Rs.5,000/- with one local surety of the like amount to the satisfaction of the said authority and thereupon the petitioner was permitted to remain on bail. The fingerprints of both the hand and biometrics of both the eyes were also directed to be recorded along with the mobile numbers and other particulars relating to the address.

4) Mr. Ali, learned counsel for the applicant/writ petitioner submitted that because of communication gap, the order dated 29.05.2024, passed in WP(C) No. 8879/2018 could not be communicated to the applicant/petitioner in time, to enable him to appear before the Superintendent of Police (Border), Barpeta on or before 21.06.2024 and comply with the directions contained in the said order dated 29.05.2024.

5) Mr. Ali, learned counsel for the applicant/writ petitioner submitted that the applicant/writ petitioner could not be communicated as the contact number was not available with the counsel. However, subsequently, with the help of a counsel from the Barpeta District Bar, the order dated 29.05.2024 could be communicated to the petitioner and by the time, the applicant/writ petitioner received the copy of the said order dated 29.05.2024, the time frame specified in the said order dated 29.05.2024 enabling the applicant/writ petitioner to appear before the Superintendent of Police (Border), Barpeta had already expired.

6) Mr. Ali, learned counsel for the applicant/writ petitioner submitted that in view of the unintended delay that had occurred in complying with the directions contained in the order dated 29.05.2024, passed in said WP(C) No. 8879/2018, this interlocutory application has been filed seeking extension of time to appear before the Superintendent of Police (Border), Barpeta.

7) Learned counsel appearing for the respondents did not object to the prayer made by the learned counsel for the applicant/writ petitioner.

8) Considering the submissions of the learned counsel for the applicant/writ petitioner and upon perusal of the grounds urged in this interlocutory application, this Court finds sufficient ground to allow this application and grant further time to the applicant/writ petitioner to appear before the Superintendent of Police (Border), Barpeta as directed in the order dated 29.05.2024, passed in said WP(C) No. 8879/2018.

9) Accordingly, this Interlocutory Application stands allowed and disposed of permitting the

applicant/writ petitioner to appear positively before the Superintendent of Police (Border), Barpeta **on or before 03.10.2024** during the office hours, along with certified copy of this order as well as a certified copy of the order dated 29.05.2024, passed earlier in the connected WP(C) No. 8879/2018.

10) Upon appearance of the petitioner before the Superintendent of Police (Border), Barpeta within the time so specified above, the directions contained in the order dated 29.05.2024, passed in WP(C) No. 8879/2018 shall be complied with by the applicant/writ petitioner as well as by the Superintendent of Police (Border), Barpeta.

11) This Interlocutory Application accordingly, stands allowed and disposed of.

12) The order passed today in this interlocutory application shall be read together with the order dated 29.05.2024, passed earlier in the connected WP(C) No. 8879/2018.

JUDGE

JUDGE

Comparing Assistant