

GAHC010202102024



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

Case No. : I.A.(Civil)/3092/2024

AYMONA KHATUN
W/O- SHAHJAMAL ALI, VILL- HABI DONGRA, P.S. BAGHBAR,, DIST-
BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI

2:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

3:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

4:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM

5:THE DY. COMMISSIONER
BARPETA
DIST- BARPETA
ASSAM

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
ASSA

Advocate for the Petitioner : MR. M H SAIKIA, MS B H SHIRIN,MS S Z HAYAT

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

Linked Case : WP(C)/5838/2019

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VILL- HABI DONGRA
P.S. BAGHBAR

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Advocate for : MS R R MUZIB

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

18.11.2024

(K.R. Surana, J.)

Heard Mr. S. Z. Hayat, learned counsel for the applicant. Also heard Mr. B. Deka, learned CGC, appearing for the respondent No.1; Mr. A. I. Ali, learned Standing Counsel, Election Commission of India appearing for the respondent No.2; Ms. A. Verma, learned Standing Counsel Foreigners Tribunal appearing for the respondent Nos. 3 and 6 and Mr. P. Sarma, learned Additional Senior Government Advocate appearing for the respondent No.5.

2. There is no representation for the respondent No.4.

3. By filing this interlocutory application, the applicant is seeking extension of time to appear before the Superintendent of Police (Border),

Barpeta in terms of order dated 22.11.2021, passed in the connected WP(C) 5838/19, as well as order dated 06.08.2022, also passed in the said writ petition.

4. It may be also stated that by filing an additional affidavit on 13.11.2024, the petitioner is not provided the mobile number of her husband through whom she can be contacted.

5. The application is opposed by the learned Standing Counsel for the FT and Border matters on the ground that the petitioner is vague and does not inspire confidence.

6. Taking note of 2 (two) consecutive defaults on the part of the applicant to appear before the Superintendent of Police (Border), Barpeta in terms of order dated 22.12.2021, as well as 06.08.2022, both passed in WP(C) 5838/2019, the Court is reluctantly allowing this application by imposing cost as indicated hereinafter.

7. Subject to deposit of cost of Rs. 2000/- (Two thousand rupees) only before the Secretary, District Legal Services Authority, Barpeta in subject to protection of the acknowledgment of payment of such cost before the Superintendent of Police (Border), Barpeta, the applicant is directed to appear before the Superintendent of Police (Border), Barpeta within 7 (Seven) days from the date of the order and furnish a bail bond as well as simply as indicated in the order dated 22.12.2021, passed in WP(C) 5838/2019.

8. On compliance of the conditions and on furnishing the bail bond as indicated above, the Superintendent of Police (Border), Barpeta shall do the needful in terms of the said order dated 22.12.2021, referred above.

9. It is made clear that if there is non-payment of cost and on non-

appearance before the said authority within the time allowed, this order of extension of time shall stand lapsed by afflux of time.

10. This interlocutory application stands conditionally allowed.

JUDGE

JUDGE

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Comparing Assistant