

GAHC010226492024



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

**Case No. : I.A.(Civil)/3377/2024**

MD. MANTAZ ALI @ MOMTAZ ALI  
S/O- LATE MONSUR ALI,  
RESIDENT OF VILLAGE- KHOLOPIA,  
P.S.-MIKIRBHETA, DISTRICT- MORIGAON,  
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,  
MINISTRY OF HOME AFFAIRS, JAISALMER HOUSE, 26, MANSINGH ROAD,  
NEW DELHI- 110001.

2:THE STATE OF ASSAM  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF HOME  
DISPUR  
GUWAHATI- 781006.

3:THE SUPERINTENDENT OF POLICE (BORDER)  
MORIGAON  
DISTRICT- MORIGAON  
ASSAM  
PIN- 782105.

4:THE ELECTION OFFICER  
MORIGAON  
DISTRICT- MORIGAON  
ASSAM  
PIN- 782105

**Advocate for the Petitioner : MR. U DUTTA, MR. B. KUMAR,B DUTTA**

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

Linked Case : WP(C)/5130/2022

MD. MANTAZ ALI @ MOMTAZ ALI  
S/O- LATE MONSUR ALI

RESIDENT OF VILLAGE- KHOLOPIA

P.S.-MIKIRBHETA  
DISTRICT- MORIGAON

ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS  
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Advocate for : MR. U DUTTA

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 3 ORS

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

**ORDER**

**18.11.2024**

(K.R. Surana, J.)

Heard Mr. B. Dutta, learned counsel for the applicant. Also heard Mr. B. Deka, learned CGC appearing for the respondent No.1; Mr. G. Sarma, learned Standing Counsel, Foreigners Tribunal appearing for the respondent Nos. 2 and 4; and Mr. P. Sarmah, learned Government advocate appearing for the respondent No.3.

2. By filing this interlocutory application, the applicant is seeking extension of time to appear before the Superintendent of Police (Border), Morigaon in terms of order dated 10.08.2022 passed in WP(C) 5130/2022.

3. The learned Standing Counsel for the FT matters has opposed the prayer made in this application on the ground that the delay is not properly explained.

4. Although the fault lies with the applicant for not appearing before the Superintendent of Police (Border), Morigaon within the time allowed, nonetheless, the Court is reluctantly inclined to allow this application by extending 10 (ten) days time from the date of the order for the applicant to appear before the Superintendent of Police (Border), Morigaon.

5. On such appearance, the Superintendent of Police (Border), Morigaon shall do the needful in terms of order dated 10.08.2022 passed in WP(C) 5130/22.

6. It is further provided that in the event the applicant does not appear before the said authority within 10 (ten) days time as extended, this order shall stand lapsed and revoked after 1 (one) week and it would be open to the concerned authorities to take the applicant into custody.
7. In the meanwhile, the applicant shall deposit a sum of Rs. 1000/- (One thousand rupees only) before the District Legal Service Authority, Morigaon as cost for delay in compliance of the order of the Court dated 10.08.2022, passed in WP(C) 5130/2022, which shall be a condition precedent for the extension of time and the applicant shall produce a receipt of acknowledgment of such cost to the Superintendent of Police (Border), Morigaon, along with a certified copy of this order.
8. In terms of the above, this interlocutory application stands allowed and disposed of.

**JUDGE**

**JUDGE**

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**Comparing Assistant**