

GAHC010238512019



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

Case No. : WP(C)/7333/2019

ABUL KHAIR @ MD. KHAIR
S/O- LATE MOFIZULLAH, R/O- VILL- SABAJPUR, P.O- MURAJHAR, P.S-
MURAJHAR, DIST- HOJAI, ASSAM, PIN- 782439

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY, MIN OF HOME AFFAIRS, GOVT OF INDIA, NEW
DELHI

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPTT OF HOME
DISPUR
GUWAHATI- 781006

3:THE DEPUTY COMMISSIONER
HOJAI
DIST- HOJAI
ASSAM

4:THE SUPERINTENDENT OF POLICE (B)
HOJAI
DIST- HOJAI
ASSAM

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI- 110001

6:THE STATE COORDINATOR
NRC
BHANGAGARH

GUWAHATI- 781032

7:THE MEMBER
FOREIGNERS TRIBUNAL
HOJAI
SANKARDEV NAGAR
DIST- HOJAI
ASSA

Advocate for the Petitioner : MR. H R KHAN

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

13/02/2024

(M.R. Pathak, J)

By an ex-parte order dated 12.03.2007, the learned Member, Foreigners' Tribunal, Hojai, Sankardev Nagar in Case No. FT/H/161/2006 opined the petitioner to be a foreigner under the Foreigners Act, 1946, who had illegally entered into the territory of India (Assam) of post 25.03.1971.

The Tribunal passed the said ex-parte order on the ground that the petitioner in spite of receipt of the notice did not appear before the Tribunal and contested the said case and thereby failed to prove his nationality as required under Section 9 of the Foreigners Act, 1946.

Dissatisfied with the said ex-parte order dated 12.03.2007, the petitioner filed this writ petition on 24.09.2019.

On 05.02.2020, when the matter was taken up for consideration at the motion stage, on the prayer of the learned counsel for the petitioner it was adjourned for 2 (two) weeks. Thereafter, the matter was listed on 02.02.2024 and on the said date, the petitioner remained unrepresented. Accordingly, the Court fixed the matter today (13.02.2024) for motion.

Today, when the matter was taken up for consideration in the first half, the petitioner remained unrepresented. As such, we fixed the matter in the 2nd half and in the 2nd half also the

petitioner remained unrepresented though names of three counsels have been reflected in the cause list for the petitioner.

This writ petition stands dismissed for non-prosecution.

JUDGE

JUDGE

Comparing Assistant