

GAHC010272752023



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

Case No. : I.A.(Civil)/3816/2023

MD. SAHEB ALI @ SAHEB ALI MONDAL
S/O- LATE MEER BOX MANDAL,
VILL- KACHARIPETI PART I,
P.O AND P.S- ABHAYAPURI,
DIST- BONGAIGAON, ASSAM, PIN-783384

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM
PIN-783384

4:THE SUPERINTENDENT OF POLICE (B)
BONGAIGAON
ASSAM
PIN-783384

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI-110001

6:THE STATE COORDINATOR

NATIONAL REGISTER OF CITIZENS
ASSAM
GUWAHATI-05
DIST- KAMRUP (M

Advocate for the Petitioner : MR. A ROSHID

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

Linked Case : WP(C)/3393/2023

MD. SAHEB ALI @ SAHEB ALI MONDAL
S/O- LATE MEER BOX MANDAL

VILL- KACHARIPETI PART I

P.O AND P.S- ABHAYAPURI

DIST- BONGAIGAON
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DIST- KAMRUP (M)

Advocate for : MR. A ROSHID

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

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

22-01-2024

(M.R.Pathak, J)

Heard Mr. A Roshid, learned counsel for the petitioner and Mr. B Sarma, learned CGC for the opposite party/respondent No. 1. Also heard Mr. G Sharma, learned Standing counsel, Home Department, Assam for the opposite party/respondent Nos. 2 & 4; Mr. P Sharma, learned Additional Senior Government Advocate, Assam for the opposite party/respondent No. 3 as well as Mr. H Kuli, learned Standing counsel, Election Commission of India for the opposite party/respondent No. 5.

2. Dissatisfied with the opinion dated 19.05.2022 passed by the learned Member, Foreigners' Tribunal No. 2, Bongaigaon, Abhayapuri in Case No. BNGN/FT-2/APR/2120/2008, whereby the petitioner has been declared to be a foreigner under the Foreigners' Act, 1946 the applicant as petitioner preferred the connected WP(C) No. 3393/2023, wherein a Co-Ordinate Bench of this Court earlier on 14.06.2023 while issuing notice to the respondents in the interim directed the present applicant/writ petitioner to appear before the Superintendent of Police (Border), Bongaigaon within 15 (fifteen) days from the said order dated 14.06.2023 granting him bail in the said matter.

3. Mr. Roshid, learned counsel for the applicant/petitioner has submitted that inadvertently the information of the said order dated 14.06.2023 passed in the connected WP(C) No.

3393/2023 could not be communicated to the applicant/ petitioner in time and as such, the applicant/petitioner during 14 (fourteen) days from 14.06.2023 could not appear before the said SP(Border), Bongaigaon.

4. However, the applicant/writ petitioner after obtaining the certified copy of the said order dated 14.06.2023 though appeared before the SP(Border), Bongaigaon in terms of the said order, but the 14 days period has already lapsed. As such, the bail granted by the Court on 14.06.2023 could not be executed.

5. Hence, this Interlocutory Application by the said petitioner of WP(C) No. 3393/2023, seeking extension of said 14 (fourteen) days period in terms of the order dated 14.06.2023 passed in WP(C) No. 3393/2023 for execution of the relevant bail order.

6. Considering the submissions of the learned counsel for the applicant/writ petitioner and the learned counsels for the opposite parties/respondents, we direct the petitioner to appear before the Superintendent of Police (Border), Bongaigaon **on or before 02.02.2024** so as to execute the order dated 14.06.2023 passed in WP(C) No. 3393/2023 and the said period of 14 (fourteen) days as specified in the said order dated 14.06.2023 has now been extended up to 02.02.2024 for necessary compliance by the applicant/petitioner.

7. This order shall be read together with the order dated 14.06.2023 passed in the connected WP(C) No. 3393/2023.

8. With the above observation and direction, this Interlocutory Application stands allowed and accordingly, stands disposed of.

JUDGE

JUDGE

Comparing Assistant