

GAHC010276722018



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

Case No. : WP(C)/8664/2018

AJAHAR ALI
S/O- AKUB ALI @ IYAKUB ALI @ EUKUB ALI, VILL- BARPATHAR, P.S.
NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

VERSUS

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

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

3:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER
NIRVVACHAN SADAN
ASHOK ROAD
NEW DELHI-01

4:THE SUPERINTENDENT OF POLICE (B)
LAKHIMPUR
P.O. LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

5:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ACHYUT PLAZA
BEHIND HUB

BHANGAGARH
GHY-05

6:THE DY. COMMISSIONER
LAKHIMPUR
P.O. LAKHIMPUR
DIST- LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. M RAHMAN

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

03.06.2024

(M.R. Pathak, J)

No representation on behalf of the petitioner on call though the names of three counsels for the petitioner have been reflected in the cause list.

2. From the orders, it is seen that on the three previous occasions, i.e., on 27.05.2024, 20.05.2024 and 08.02.2019, the petitioner remained unrepresented.

3. By order dated 09.01.2019, the records of Lakhimpur F.T(1st) Case No.2760/2011, District No.254/2005 was called for from the learned Foreigners' Tribunal No.1, North Lakhimpur and the Registry received the same and further, in the interim, directed that the petitioner shall not be deported. The said interim order is in force till date.

4. On 08.02.2019, the Court issued notice in this case.

5. In a reference being made by the Superintendent of Police (Border),

Lakhimpur under Order-2 of the Foreigner (Tribunals) Order, 1964, vide District Case No.254/2005 based on the police enquiry as to whether the petitioner is a foreigner or not, the learned Member, Foreigners' Tribunal, Lakhimpur (1st), North Lakhimpur, in Lakhimpur F.T.(1st) Case No.2760/2011, after hearing the parties and considering the evidence adduced by the petitioner, by its final order and opinion dated 24.09.2018, opined the petitioner to be a foreigner, who had entered into the territory of India (Assam) from the specified territory of Bangladesh on or after 25.03.1971.

6. Aggrieved with the said final order and opinion dated 24.09.2018, passed in Lakhimpur F.T.(1st) Case No.2760/2011, the petitioner filed this writ petition on 13.12.2018.

7. The writ petition stands dismissed for non-prosecution.

8. The interim order passed earlier on 09.01.2019 stands vacated/hereby recalled.

9. Registry shall return the records of said Lakhimpur F.T.(1st) Case No.2760/2011 along with a copy of this order to the learned Foreigners' Tribunal No.1, North Lakhimpur.

10. Registry shall also communicate this order to the Superintendent of Police (Border), Lakhimpur, North Lakhimpur forthwith.

JUDGE

JUDGE

Comparing Assistant