

GAHC010279272023



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

Case No. : I.A.(Civil)/3750/2023

LAL BHANU @ LALBHANU NESSA
W/O. MD. JARIF ALI, D/O. LT. ABUL MIYA @ ABDUL HUSSAIN, VILL.
BAGHPARI, P.O. MANGALDAI, P.S. MANGALDAI, DIST. DARRANG, ASSAM,
PIN-784125.

VERSUS

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

Advocate for the Petitioner : MRS. R S DEURI

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

O R D E R

04.03.2024

(M.R. Pathak, J)

Heard Ms. A. Das, learned counsel appearing on behalf of Ms.
R.S. Deuri, learned counsel for the applicant/petitioner and Ms. A. Verma,

learned Standing Counsel, Home Department, Assam for the opposite parties/respondent Nos.2 and 4. Also heard Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the opposite party/respondent No.3 as well as Mr. A.I. Ali, learned Standing Counsel, Election Commission of India for the opposite party/respondent No.5.

2. Aggrieved with the judgment/order dated 30.04.2019 passed by the learned Member, Foreigners' Tribunal (1st), Mangaldai, Darrang in F.T. Case No.3057/2011, whereby she has been declared to be a foreigner under the Foreigners Act, 1946, the applicant as petitioner filed the connected WP(C) No. 6293/2019, wherein the Court on 17.10.2023, while issuing Rule and called for the records of said F.T. Case No.3057/2011 from the office of the Foreigners' Tribunal (1st), Mangaldai, Darrang, in the interim, allowed her to appear before the Superintendent of Police (Border), Darrang on or before 01.11.2023 and to obtain bail by furnishing a bail bond of Rs. 5000/- with one local surety of like amount to the satisfaction of the said authority with certain other conditions.

3. It is stated that as the applicant/petitioner was suffering from Jaundice, she could not collect the certified copy of the said order dated 17.10.2023 on time and after collecting the certified copy of the said order dated 17.10.2023 on 08.11.2023, though she appeared before the Superintendent of Police (Border), Darrang, but her bail was not considered by the said authority since the validity of the said order dated 17.10.2023 passed in WP(C) No. 6293/2019 had already expired on 01.11.2023.

4. Hence, this application by the applicant/petitioner for extension of

time for her appearance before the Superintendent of Police (Border), Darrang, Mangaldai in terms of the order dated 17.10.2023 passed in said WP(C) No. 6293/2019.

5. We have considered the submission of the applicant/petitioner as well as on behalf of the opposite parties/respondents herein.

6. Considering the entire aspect of the matter, the applicant/petitioner is now directed to appear before the Superintendent of Police (Border), Darrang, Mangaldai on or before 20.03.2024 along with a certified copy of this order and to seek bail in terms of the order dated 17.10.2023 passed in connected WP(C) No. 6293/2019. The remaining order/directions passed in said WP(C) No. 6293/2019 on 17.10.2023 shall remain same. This order shall be read together with the order dated 17.10.2023 passed in WP(C) No. 6293/2019.

7. The interlocutory application stands allowed to the extent indicated above.

JUDGE

JUDGE

Comparing Assistant