

GAHC010290602023



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

Case No. : I.A.(Civil)/3884/2023
in
WP(C) 5289/2022

KARIMAN NESSA @ KARIMA BEGUM
D/O LATE MAMUD ALI @ MAMUD ALI RAHMAN,
W/O ALAM KHAN,
VILL.- KATLA GAON,
P.S.- BARPETA,
DIST.- BARPETA (ASSAM).

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.

2:THE ELECTION COMMISSION OF INDIA
NIRVACHANSADAN
ASHOKA ROAD
NEW DELHI- 110001.

3:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 06.

4:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZEN
GS ROAD
BHANGAGARH
GUWAHATI- 781005.

5:THE MEMBER
FOREIGNERS TRIBUNAL NO. 1

BARPETA
ASSAM- 781301.

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
ASSAM- 781301

Advocate for the Petitioner : MR N AHMED

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

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

18-01-2024

(M.R.Pathak, J)

Heard Mr. N. Ahmed, learned counsel for the applicant and Ms. B. Sarma, learned Central Government Counsel, for the opposite party No.1. Also heard Mr. A. I. Ali, learned Standing Counsel, Election Commission of India, for the opposite party No.2, Ms. A. Verma, learned Standing Counsel, Home Department, Assam for the opposite party Nos. 3 and 6.

2) In F.T. Case No. 2713/2018, initiated against the applicant/writ petitioner on a reference being made by the Superintendent of Police (Border), Barpeta, the learned Member, Foreigners' Tribunal-I, Barpeta by the *ex-parte* order dated 22.02.2022 declared the applicant/writ petitioner to be a foreigner of post 25.03.1971.

3) Dissatisfied with the said *ex-parte* order dated 22.02.2022 of the Foreigners' Tribunal-I, Barpeta, the applicant, as a writ petitioner preferred the connected WP(C) No. 5289/2022 and this Court after hearing the petitioner and other parties by order dated 17.08.2022 set aside and quashed the said order dated 22.02.2022, passed by the learned Member, Foreigners' Tribunal-I, Barpeta in said F.T. Case No. 2713/2018, directing the applicant/writ petitioner to deposit a cost of Rs. 2,500/- before the District Legal Services Authority, Barpeta within a period of 6 (six) weeks, from the date of said order dated 17.08.2022 and to appear before

the learned Member, Foreigners' Tribunal-I, Barpeta in said F.T. Case No. 2713/2018 with the receipt of deposit of such cost along with a certified copy of the said order dated 17.08.2022.

4) By the said order dated 17.08.2022, the applicant/writ petitioner was also directed to appear before the Superintendent of Police (Border), Barpeta within a period of 4 (four) weeks, along with a certified copy of the said order dated 17.08.2022, directing that on her such appearance before the Superintendent of Police (Border), Barpeta, on furnishing a bail bond of Rs. 5,000/- with one local surety of the like amount to the satisfaction of the said authority, shall allow her to remain on bail, after capturing the fingerprints of both of her hands and biometrics of the iris of her both eyes with further observation, that without obtaining any prior written permission from the Superintendent of Police (Border), Barpeta, the applicant/writ petitioner shall not leave the jurisdiction of said SP(B), Barpeta and shall furnish the full details of her present address and/or destination including her mobile/phone number (contact number) etc., to the said authority.

5) The applicant/writ petitioner submitted that as there was some delay in uploading the said order dated 17.08.2022, passed in WP(C) No. 5289/2022, she could not obtain the certified copy of the said order dated 17.08.2022 and appear before the SP(Border), Barpeta as directed in the said order dated 17.08.2022.

6) Hence, this application by the applicant/writ petitioner.

7) It is seen that the applicant/writ petitioner obtained the certified copy of the said order dated 17.08.2022 on 31.07.2023 and filed this application on 21.12.2023, though the said order dated 17.08.2022 was uploaded long back.

8) However, on being enquired, Mr. N. Ahmed, learned counsel for the applicant/writ petitioner submitted that the applicant/writ petitioner shall appear before the Superintendent of Police (Border), Barpeta on or before 29.01.2024 and shall also appear before the learned Member, Foreigners' Tribunal-I, Barpeta on or before 30.01.2024 in compliance of the said order dated 17.08.2022.

9) Considering such submission on behalf of the applicant and hearing the learned counsels for the opposite parties, we direct the applicant/writ petitioner that she will deposit an additional amount of Rs. 2,500/- altogether Rs.5,000/- before the District Legal Services

Authority, Barpeta on or before 29.01.2024 and shall obtain necessary written receipt in that regard. Thereafter, she shall appear before the Superintendent of Police (Border), Barpeta on the same day, i.e., 29.01.2024 in terms of the order dated 17.08.2022, passed earlier in WP(C) No. 5289/2022 and the applicant/writ petitioner shall also appear before the learned Member, Foreigners' Tribunal-I, Barpeta on 30.01.2024 along with a certified copy of this order, in terms of the order dated 17.08.2022 and shall comply with the directions as specified in the said order dated 17.08.2022, passed earlier in the connected WP(C) No. 5289/2022.

10) To that extent, the period of appearance of the applicant/writ petitioner before the Superintendent of Police (Border), Barpeta as well as before the learned Member, Foreigners' Tribunal-I, Barpeta is extended.

11) With the above observation and direction this Interlocutory Application stands disposed of.

JUDGE

JUDGE

Comparing Assistant