

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.06 of 2025

1. Dr. Bijoy Debbarma, S/O- Late Dharmarai Debbarma, R/O- Natun Palli, Krishnanagar, Agartala, West Tripura, 799001;
2. Mr. John Debbarma, S/o- Sri Mangal Debbarma, resident of Dasharam Para, PO- Radha Mohanpur, PS- Radhapur, Dist- West Tripura, 799045;

.....Petitioner(s)

Versus

1. The Union of India, represented by its Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi-110001;
2. The Secretary, Ministry of External Affairs, South Block, New Delhi-110001;
3. The State of Tripura, represented by the Chief Secretary, Government of Tripura, New Secretariat Building, New Capital Complex, Agartala, West Tripura, Pin-799010;
4. The Secretary, Department of Home, Government of Tripura, New Secretariat Building, New Capital Complex, Agartala, West Tripura, Pin-799010;

.....Respondent(s)

For Petitioner (s)	:	Mr. Manish Goswami, Sr. Advocate, Mr. Tapash Halam, Advocate, Mr. Mintu Debbarma, Advocate.
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For Respondent(s)	:	Mr. S.M. Chakraborti, Advocate General, Mr. Bidyut Majumder, Dy. S.G.I., Ms. Pinki Chakraborty, Advocate.
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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

10/07/2025

Heard Mr. Manish Goswami, learned senior counsel assisted by Mr. Tapash Halam, learned counsel for the petitioners. Also heard Mr. Bidyut Majumder, learned Deputy S.G.I. who appears for the respondent No.1-Union of India and Mr. S. M. Chakraborti, learned Advocate General assisted by Ms. Pinki Chakraborty, learned counsel for the respondent-State.

2. Petitioners have approached this Court for issuance of writ in the nature of mandamus/ Certiorari or any other appropriate writ, order or direction

of the like nature for enforcement of the petitioners fundamental rights, upon the respondent authorities, to take effective and visible steps for detection and deportation/ removal/ expulsion of the illegal immigrants staying in Tripura by enforcing the provisions of the Passport (Entry to India) Act, 1920; the Foreigners Act, 1946 and the Foreigners Order, 1948 in letter and spirit and for expeditious setting up of a robust infrastructure for the purpose of detection, adjudication, detention and deportation of illegal immigrants living in Tripura. Petitioners, in the body of the petition, have also prayed for setting up of Foreigners Tribunal under the Foreigners (Tribunals) Order, 1964 expeditiously. Petitioners have referred to the relevant provisions of the Foreigners Act, 1946 and the directives issued by the Ministry of Home Affairs (Foreigners Division), Government of India as contained in letters (i) No.25022/08/2009-F.I., dated 05.11.2012 relating to powers to take action against foreign nationals living illegally in India; (ii) No.24013/29/Misc./2017-CSR.III(i), dated 08.08.2017 relating to identification of illegal migrants and monitoring thereof; (iii) No.25022/28/2020-F.I (Part.III), dated 02.05.2025 relating to procedure for deportation of illegal Bangladeshi nationals/ Rohingyas and sought issuance of a writ of Mandamus and/or directions upon the authorities of the State of Tripura to do needful. Petitioner has, before approaching this Court, made a representation on 24.06.2025 (Annexure-7) to the Chief Secretary, Government of Tripura, and the Secretary, Department of Home, Government of Tripura.

3. Petitioner has in his representation sought to highlight the issue of large scale migration of refugees and illegal migrants from the neighboring country and highlighted the long 856 km Indo-Bangladesh porous borderline of Tripura which has led to drug trafficking and human trafficking across the

international border, posing a major security risk. Petitioner has also pointed out that because of such illegal immigration the demography of the State is being constantly changed. Because of the influx of the illegal immigrants the proportion of the tribal population of the State is also depleting. Therefore, the petitioner has requested the Chief Secretary, Government of Tripura and the Secretary, Department of Home, Government of Tripura to take immediate action in line with the new guidelines of Union Ministry of Home Affairs to detect, identify and deport the illegal foreign nationals living in Tripura in order to ensure peace, harmony, development and security of the State.

4. The petitioners, however, have without waiting for any concrete action or response on the actions already taken on behalf of the State authorities and also the Government of India on those lines, approached this Court within 11 days of filing of the representation on 05.07.2025.

5. The reliefs prayed for on behalf of the petitioners are of a wide ranging nature involving effective steps at different levels of the Central and State Government on the larger issue of prevention of illegal immigration in Tripura from across borders. Petitioners have also referred to the provisions of Article 355 of the Constitution of India which requires the Centre to act in certain circumstances. According to the petitioners this huge influx of illegal immigrants is almost like an external aggression. Therefore, the petitioners have sought indulgence of this Court.

6. Mr. Manish Goswami, learned senior counsel for the petitioners, submits that the public cause which is being raised by the petitioners is of such profound magnitude and acknowledged by the Government of India by issuing

repeated directives vide letters dated 05.11.2012 (Annexure-4), 08.08.2017 (Annexure-5) and 02.05.2025 (Annexure-6) that this Court may not insist upon strict compliance of their representation before approaching this court seeking issuance of writ of Mandamus.

7. Mr. Manish Goswami, learned senior counsel for the petitioners also referred to the decision of the Constitution bench of the Apex Court rendered in the case of ***“In Re: Section 6A of the Citizenship Act, 1955”*** reported in **2024 SCC OnLine SC 2880**. He has drawn the attention of this Court to the conclusion and the directions contained in paragraph No.385 onwards, specifically paragraph No.389 (e) and (f) which relates to implementation of immigration and citizenship legislations and the task of identification and detection of illegal immigrants or foreigners in Assam by the statutory machinery and tribunals tasked with that object under Immigrants (Expulsion from Assam), Act, 1950; the Foreigners Act, 1946; the Foreigners (Tribunals) Order, 1964; the Passport (Entry to India) Act, 1920 and the Passport Act, 1967. It is therefore submitted that the requirement for exhausting the time after making of their representation may not be treated as a bar for taking up this public interest cause by this Court under Article 226 of the Constitution of India.

8. At the end, Mr. Manish Goswami, learned senior counsel for the petitioners, submits that this Court may in the alternative direct the respondents to consider the representation made by the petitioners (Annexure-7) seeking immediate action in line with the new guidelines of Union Ministry of Home Affairs to detect, identify and deport the illegal foreign nationals living in

Tripura in order to ensure peace, harmony, development and security of the State in accordance with law within a time frame.

9. Mr. Bidyut Majumder, learned Deputy S.G.I., for the respondent-Union of India, has at the outset submitted that the cause being raised on behalf of the petitioners falls in the domain of policy matters which this Court may be loath to interfere at the mere asking of the petitioners at this stage.

10. Mr. S.M. Chakraborti, learned Advocate General, for the respondent-State, submits that since the petitioners have approached the State authorities only on 24.06.2025, they may also require time to adequately respond to the same.

11. Upon hearing the learned counsel for the parties, we, at this stage, do not wish to make any comments on the merits of the cause being raised on the part of the petitioners which apparently relates to illegal immigration across international borders which affects not only the State of Tripura but other States. However, we feel that though the petitioners have sought to trace the issue of illegal immigration in the State of Tripura for more than 2/3 decades but petitioner has chosen to bring this cause before this Court immediately within 10 or 11 days after making a representation to the State level authorities asking them to immediately initiate action in line with the new guidelines of the Union Ministry of Home Affairs towards detection, detainment and deportation of illegal foreign nationals living in Tripura. Petitioners have sought to invoke jurisdiction of this Court for issuance of a writ of Mandamus or direction for implementation of not only the provisions of the central statutes but also the directives of the Ministry of Home Affairs issued from time to time. The

petitioners have instead of waiting for the response or concrete action on the part of the State authorities straightaway rushed to the Court within 11 days of making their representation.

12. We therefore feel that since the petitioners have approached the authorities of the State in particular for immediate implementation of the new guidelines of the Ministry of Home Affairs, the petitioners should have waited for their response before rushing to the Court within 11 days of making such representation considering the profundity of the cause sought to be raised. We are, therefore, of the opinion that the writ petition should not be entertained at this stage. We grant liberty to the petitioner to approach the Court if the respondent-authorities of the State fail to act on their representation in pursuance to the statutory provision in that regard and the directives of the Ministry of Home Affairs within a reasonable time or their actions are inadequate.

13. Accordingly, the writ petition is disposed of with the aforesaid liberty. Pending application(s), if any, shall stand disposed of.

(BISWAJIT PALIT), J

(APARESH KUMAR SINGH), CJ