

31.07.2026
Court No.25
D/L No.11
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5012 of 2026
Mohammed Edris @ Md Idrish
Versus
The Union of India & Ors.

Ms. Afreen Begum
Ms. Swastika Chowdhury
Mr. Dip Dutta
Ms. Ilika Nag

...for the Petitioner

Mr. Dhiraj Kr. Trivedi, Ld. ASGI
Mr. Kumar Jyoti Tewari, Sr. Adv.
Ms. Anamika Pandey
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Ayushi Mishra

...for the Union of India

Mr. Lokenath Chatterjee, Ld. JSC
Ms. Sneha Chatterjee

... for the State

1. The petitioner has filed the present writ application praying for a direction upon the respondent authorities to release the petitioner who is at present in Dum Dum Central Correctional Home even after completion of his sentence passed by the learned Trial Court.
2. Learned counsel appearing for the petitioner submits that the Jibantala Police Station, Canning has initiated an FIR being No. 67 of 2021 dated February 20, 2021 against the petitioner for the offence under Section 14 of the Foreigners Act, 1946. The petitioner was arrested on February 19, 2021 and was sent to correctional home on February 20, 2021, since then he is in correctional home. After filing of the chargesheet for the offence under Section 14 of the Foreigners Act,

the petitioner has pleaded guilty on October 7, 2021 and accordingly, the learned Magistrate has imposed sentence upon the petitioner to suffer simple imprisonment for nine months and to pay fine of Rs. 3000/-, in default, to suffer simple imprisonment for thirty days further. It was recorded that the detention period of the petitioner may be set off from February 20, 2021. Learned counsel for the petitioner submits that since February 20, 2021 the petitioner is in correctional home in spite of completion of his sentence on November 20, 2021.

3. The learned counsel appearing for the State has submitted report dated July 28, 2026 wherein it is mentioned that the Home and Hill Affairs Department, Government of West Bengal has already issued a circular being Memo No. 185-FNB/S-29/2026 dated May 23, 2026 to all the District Magistrates mandating for setting-up of 'Holding Centers' across the State for apprehending foreigners as well as for the released foreign prisoners awaiting deportation / repatriation in accordance with the MHA guidelines.
4. Learned counsel for the State further submits that in terms of the said notification, Holding Centers have been set up and if this Court passes an order directing the Superintendent of concerned correctional home to coordinate with the District Magistrate as well as the Civil Authorities, the petitioner, who has already completed his sentence but still languishing in the correctional home, can be shifted to Holding Center

and subsequently the Government of West Bengal shall take appropriate steps in consultation with the Ministry of Home Affairs for his deportation/repatriation in accordance with the MHA guidelines.

5. The learned counsel appearing for the Union of India has submitted the extract of the Deportation Manual, 2026 and submits that the authorities will take appropriate steps if the petitioner will release from the correctional home and is taken to the Holding Center in accordance with the said manual.
6. Heard the learned counsel for the respective parties. Considered the materials on record and the report submitted by the State.
7. This Court finds that as per the procedure for deportation of illegal Bangladesh Nationals and Rohingyas, the Ministry of Home Affairs, Government of India has formulated a scheme. Clause 6 of the scheme reads as follows:-

“6. The Foreigners Regional Registration Officers (FRROs) and Foreigners Registration Officers (FROs) [who are generally the District SPs or DCPs] are the Civil Authorities under the Foreigners Order, 1948 and they also are Registering Authorities under the Registration of Foreigners Rules, 1992. As a Civil Authority District SPs or DCPs who are designated as FROs are responsible for implementing various provisions of the Foreigners Act, 1946 and the Foreigners Order, 1948. Where an FRO is not available, the FRRO concerned may undertake these

functions. Thus, adequate powers are vested with the State Government/UT Administrations/FRROs/District SPs or CPs who are designated as FROs for taking appropriate action against foreign nationals who are found violating the visa conditions.”

8. In the present case, the petitioner is in correctional home since February 20, 2021 and he has completed his sentence on November 20, 2021, still the petitioner is in correctional home. Now the Government of West Bengal has already taken steps for setting up of the Holding Center and the petitioner can be shifted from the correctional home to the Holding Center.
9. Accordingly, the Superintendent of Dum Dum Central Correctional Home is directed to immediately, within a period of one week from receipt of this order, inform to the concerned District Magistrate as well as the Civil Authorities with regard to the shifting of the petitioner from the Dum Dum Central Correctional Home to Holding Center and on receipt of the request of the Superintendent of Dum Dum Central Correctional Home, the concerned District Magistrate as well as the Civil Authorities shall take appropriate steps for bringing the petitioner from correctional home to Holding Center within a week thereafter.
10. It is further made clear that once the petitioner brought from correctional home to the Holding Center, the Civil Authorities will take appropriate steps in accordance with the guidelines issued by the Ministry of Home

Affairs, Government of India (Foreigners Division) dated May 2, 2025 as well as the Deportation Manual, 2026.

11. Accordingly, **WPA 5012 of 2026** stands **disposed of**.
12. The Registry is directed to communicate this order to the Superintendent of Dum Dum Central Correctional Home as well as the concerned District Magistrate for compliance.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)