

GAHC010073162026



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

Case No. : WP(C)/2113/2026

JOYGUN NESSA ALIAS JOYGUN
D/O MOHAMMAD ALI, W/O IBRAHIM ALI, VILL. GERUAGAON, P.O.
SAMAGURI, P.S. KHATOWAL, DIST. NAGAON, ASSAM. PIN. 782140.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, HOME DEPARTMENT, NEW DELHI-1, INDIA.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM
ACHYUT PLAZA
BHANGAGARH
GUWAHATI-5
ASSAM.

4:THE ELECTION COMMISSION OF INDIA
TO BE REPRESENTED BY THE COMMISSIONER
NIRVACHAN SADAN
ASHOKA ROAD
DELHI. 110001.

5:THE DISTRICT COMMISSIONER

NAGAON
DIST. NAGAON
ASSAM.

6:THE SUPERINTENDENT OF POLICE (B)
NAGAON
DIST. NAGAON
ASSAM

Advocate for the Petitioner : MR ZUBAIR HAMMAD, R DAS

Advocate for the Respondent : DY.S.G.I., GA, ASSAM,SC, ECI,SC, NRC,SC, F.T

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 24.04.2026
(K.R Surana, J)

Heard, Mr. Z. Hammad, learned Counsel for the petitioner. Also heard, Mr. S.K. Medhi, learned CGC, Ms. S. Katakey, learned Standing Counsel, ECI, Mr. P. Sarmah, learned Addl. Senior Govt. Advocate and Mr. G. Sarma, learned Standing Counsel, FT and NRC.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 09.09.2025, passed by the learned Member, Foreigner's Tribunal 3rd, Nagaon, in FT Case No. NFT. (No.3)(D) 1107/2016, corresponding to D/Case No. 1000/98, by which the petitioner was declared as an illegal migrant of post 25.03.1971 stream.

3. At the outset, the learned Counsel for the petitioner has submitted that upon receiving instructions, he was informed that the petitioner has several more documents which in support of the Indian citizenship of the petitioner, namely Joygun Nessa @ Joygun. However, the said documents were not

brought on record through the learned Tribunal. Accordingly, he prays for liberty to withdraw this writ petition and to approach the learned Foreigner's Tribunal under the purview of review.

4. Although the learned Standing Counsel for F.T. and Border matters has opposed the prayer, considering the nature of the submission made, the prayer is allowed.

5. The writ petition stands closed as withdrawn with liberty, as prayed for by the petitioner, to approach the learned Foreigner's Tribunal 3rd, Nagaon, by filing the review petition.

6. It is clarified that the Court has not entered into the merits of the case.

JUDGE

JUDGE

Comparing Assistant