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

Case No. : Review.Pet./155/2026

SHUKURJAN BEGUM @S MUSSTT. SUKURJAN
W/O- LAL MIYA
D/O- LT. CHAND MAHAMMAD @ CHANDU MIYA R/O-VILL-
DIGOLIPATHAR, MATIKHOLA GAON PART-I1, P.O. P.S- BORPATHAR
DISTRICT-GOLAGHAT, ASSAM, PIN-785602

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, NEW DELHI-110001.

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

3:THE STATE OF ASSAM
REPRESENTED BY THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE ASSAM STATE CO-ORDINATOR OF NRC
BHANGAGARH
GUWAHATI-05

5:THE DISTRICT COMMISSIONER
GOLAGHAT
DISTRICT-GOLAGHAT
ASSAM
PIN- 785621.

6:THE SUPERINTENDENT OF POLICE B

GOLAGHAT
DISTRICT-GOLAGHAT
ASSAM
PIN78562

Advocate for the Petitioner : MR. S A AHMED, GA, ASSAM,M A BADSHA

Advocate for the Respondent : GA, ASSAM, SC, ECI,SC, NRC,SC, F.T

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

03.11.2026

(K. R. Surana,J)

Heard Mr. S. A. Ahmed, learned counsel for the petitioner. Also heard Mr. S. K. Deka, learned CGC, Ms. S. Katakey, learned standing counsel for the ECI, Mr. N. Pathak, learned standing counsel for the Border matters, and Mr. P. K. Borah, learned Govt. Advocate for the State.

2. Although this application has been filed as a review petition but in view of the nature of the prayer made, notwithstanding that the matter is registered under the nomenclature of a review petition, the prayer made in this application is treated as one for modification of the order dated 09.03.2026 passed by this Court in WP(C) No. 7103/2025.

3. The case of the petitioner is that this Court by order dated 09.03.2026, passed in WP(C) No. 7103/2025 permitted the petitioner an opportunity to file an application under Order 3-C of the Foreigners (Tribunals) Order, 1964 by providing that in the event the petitioner files such an application within a period of thirty days from the date of the order under order 3-C of the Foreigners (Tribunals), Order 1964 notwithstanding the period of delay

prescribed therein, the learned Tribunal shall entertain the said application and passed appropriate order in accordance with law. The paragraph-6, 7 and 8 of the said order are quoted below:-

> "*6. In the considered opinion of the Court, without entering into the merit of the reasoned assigned, as the petitioner was taken into custody on 25.05.2025 pursuant to the ex parte opinion, and as the petitioner as well as her husband admit receipt of the notice and also admit the default on the part of the petitioner in contesting the proceedings, the Court is inclined to grant the petitioner an opportunity to file an application under Order 3-C of the Foreigners (Tribunals) Order, 1964. Accordingly, it is provided that in the event the petitioner files such an application within a period of 30 (thirty) days from the date of this order under Order 3-C of the Foreigners (Tribunals) Order, 1964, notwithstanding the period of delay prescribed therein, the learned Tribunal shall entertain the said application and pass appropriate orders in accordance with law.*
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> *7. If the review application and/ or any other petition supported by affidavit is authenticated by the Superintendent of the Transit Camp at Matia, Goalpara, the same shall be accepted by the learned Member, Foreigners' Tribunal, Jorhat by taking note of the fact that the petitioner has been taken into custody."*
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> *8. It is also provided that upon filing of such application under Order 3-C of the Foreigners (Tribunals) Order, 1964, it would be open to the petitioner to pray for bail, and the learned Tribunal shall pass appropriate orders as deemed fit and proper*

4. The learned counsel for the petitioner has submitted that the application for review was made ready and the husband of the petitioner went to the Transit Camp, Matia, Goalpara for authentication of the application and affidavit by the Superintendent of the Transit Camp, Matia, Goalpara. However, the same was not done and accordingly, the petitioner had approached this Court by filing I.A.(C) No. 1468/2026, praying for an appropriate order. Accordingly, the Court was inclined to direct the Superintendent of Matia, Goalpara that if any application including the review application and the affidavit in support of the said application is bought by the family members of the petitioner before the said authority, the said authority shall have the said application including the affidavit signed by the petitioner and those shall be attested/authenticated by

the Superintendent, Transit Camp, Matia, Goalpara. The relevant paragraphs 4 to 7 of the said order dated 24.06.2026 in I.A.(C) 1468/2026 is quoted below:-

> "*4. Having heard the learned standing counsel for the FT and Border matters, we take note of the fact that paragraph no.7 of the order dated 09.03.2026, passed in WP(C)/7103/2025, this Court had observed that if an authenticated copy of the review petition or any other petition supported by affidavit is authenticated by the Superintendent of Transit Camp, Matia, Goalpara, the same shall be accepted by the learned Member, Foreigners Tribunal, Jorhat. Accordingly, it is apparent that the Court wanted the applications to be authenticated by the Superintendent of Transit Camp, Matia, Goalpara.*
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> *5. Accordingly, the Court is inclined to direct the Superintendent of Transit Camp, Matia, Goalpara that if any application including a review application and affidavit in support of the said applications is brought by the family members of the applicant before the said authority, the said authority shall have the said applications including the affidavit signed by the applicant and those shall be attested/ authenticated by the Superintendent of Transit Camp, Matia, Goalpara.*
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> *6. In the event if there is any procedural difficulty on the part of the Superintendent of Transit Camp, Matia, Goalpara to authenticate the said application or affidavits, the said authority shall transport the applicant, namely, Shukurjan Begum @ Musstt. Sukurjan, who is now an internee in the Transit Camp, Matia, Goalpara, to the learned Foreigners Tribunal, Jorhat as well as to the nearest Notary to have the petitions and affidavits sworn before the said authority so as to enable the applicant to present the review petition and/ or any other petition before the said learned Tribunal and to bring her back.*
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> *7. The time for presentation of the review petition under Order 3-C of the Foreigners (Tribunals) Order, 1964 before the said learned Tribunal stands extended by a period of further 30 (thirty) days from the production of the certified copy of the order before the Superintendent, Transit Camp, Matia, Goalpara."*

5. It is submitted that the written statement and the application under Order 3-C of the Foreigners (Tribunals) Order, 1964 has since been authenticated by the Assistant Jailor, Holding Centre, Matia, Goalpara on 19.08.2026. However, an apprehension is expressed that as the affidavit filed in support of the review

petition is not authenticated by a notary, at a later stage of the proceedings, an objection may be raised. Because the affidavit in the application has not sworn before a Notary or a Magistrate, in which event the petitioner would suffer prejudice.

6. On a query by the Court, the learned Standing Counsel for the FT and Border matters has submitted that the State would not raise any objection to the said application under Order 3-C of the Foreigners (Tribunals) Order, 1964 on the ground that the application and the affidavit have not been notarized because the said affidavit has been attested by the Assistant Jailor, Holding Centre, Matia, Goalpara pursuant to the orders passed by this Court.

7. Accordingly, 20 (twenty) days time from the date of this order is granted to the petitioner, through her learned Advocate, to present before the learned Foreigners Tribunal, Jorhat, the application under Order 3-C of the Foreigners (Tribunals) Order, 1964.

8. It is provided that if on behalf of the petitioner the same is filed within the extended time, the learned Tribunal shall accept such filing.

9. It is further provided that as the petitioner is presently at the Holding Centre, Matia, Goalpara, she is physically unable to get the petition and the affidavit in support thereof notarized. Accordingly, the State shall be precluded from raising any objection in respect of the said application on the ground that the said application and the affidavit in support of the said petitioner have not been sworn before the Notary Public owing to the petitioner's physical disability, being in the Holding Centre, for which she is unable to go and have the application sworn in before the Notary Public.

10. In case of any difficulty, the petitioner is at liberty to approach the Court Again.

11. As this order has been passed under the circumstances unique to this case, this order shall not be treated as a precedent in any other case.

12. With the above observations and directions, this application stands allowed to the extent as indicated above.

JUDGE **JUDGE**

Comparing Assistant