01.10.2026
Court No.25
D/L No.6
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28515 of 2026

Nargis Bibi
Versus
The Election Commission of India & Ors.

Mr. Tirthankar Dhali
Mr. Parvej Alam
Mr. Mir Md. Minhaj
Mr. R. Islam

...for the Petitioner

Mr. Moyukh Mukherjee
Mr. Arghya Chatterjee

...for the State

1. The petitioner has filed the present writ application praying for a direction upon the SIR Tribunal to dispose of the appeal filed by the husband of the petitioner, namely, Salim Seikh @ Selim Sk and direction upon the respondent Nos. 6 and 7 not to detain, restrain, deport, remove or otherwise take any coercive action against the husband of the petitioner from India.

2. Learned counsel appearing for the petitioner submits that the petitioner was studied in Sarfia High Madrasah, Kalukhali, Murshidabad and the said authorities have issued transfer certificate on February 20, 1998. The learned counsel for the petitioner submits that the husband of the petitioner is having the Aadhaar Card, Election Identity Card and PAN Card issued by the Government of India. He further submits that the husband of the petitioner has married in India

with Indian woman and residing in India since birth but the respondent authorities have illegally detained the husband of the petitioner without any reasons and without giving any opportunity of hearing to the petitioner's husband.

3. Learned counsel appearing for the State has submitted the report wherein it reveals that the police have conducted an inquiry and during inquiry by the Bhagwangola Police Station, Murshidabad Police District, it was found that one, Selim Sk is a *prima facie* suspected to be a Bangladeshi National and is allegedly residing in India by representing himself an Indian citizen. On the basis of said information, a raid was conducted on August 31, 2026 at Char Natun Para Village under Bhagwangola Police Station and during the said raid, the husband of the petitioner was apprehended and he was taken to Raninagar Dak Bangla under Raninagar II Development Block, Raninagar Police Station, Murshidabad which is declared as temporary Holding Area for the Bangladeshi Nationals and till date he is in the said Holding Centre.

4. Learned counsel for the State submits that now the authorities are inquiring into the matter to ascertain whether the husband of the petitioner is a Bangladeshi National or Indian National and the inquiry is going on.

5. Considering the above, this Court finds that the concerned authorities are already conducting inquiry

with regard to the nationality of the husband of the petitioner and as such, without completion of inquiry, no order can be passed in the present writ application.

6. Accordingly, WPA 28515 of 2026 stands dismissed.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

8. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)