



Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6208/2022

NUR ISLAM @ NUR ISLAM MONDAL
S/O- DILDAR HOSSAIN @ DILDAR ALI MONDAL,
R/O- VILLAGE BANIAMARI,
P.S- GOLAKGANJ, P.O- SAHEBGANJ, DIST- DHUBRI, PIN-783334

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECRETARY TO THE DEPARTMENT OF HOME AFFAIRS, NEW
DELHI- 110001.

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

3:THE SUPERINTENDENT OF POLICE (B)
GUWAHATI
ASSAM
PIN-781007

4:THE SUPERINTENDENT OF POLICE
GUWAHATI
ASSAM
PIN-781007

5:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
BHANGAGARH
GUWAHATI-05

(Handwritten mark)

(Handwritten mark)

DIST- KAMRUP (M)

6:THE STATE CHIEF ELECTION COMMISSIONER
ASSAM
GUWAHAT



Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

19-10-2022

(M.R.Pathak, J)

Heard Mr. M Dutta, learned counsel for the petitioner.

The petitioner is allowed to substitute the respondent No. 3 as "the Deputy Commissioner of Police (Border), Kamrup (Metro), Guwahati" during the course of the day. Further, he is also allowed to delete the name of the respondent No. 4, who is not a necessary party to this proceeding and re-number the respondent Nos. 5 & 6.

Also heard Mr. D J Das, learned CGC for the respondent No. 1; Ms. A Verma, learned Standing counsel, Foreigners' Tribunal, Assam for the respondent Nos. 2 & 3; Ms. L Devi, learned Standing counsel, NRC for the respondent No. 4 as well as Mr. A I Ali, learned Standing counsel, Election Commission of India for the respondent No. 5.

By the impugned opinion dated 30.09.2021 passed in F.T. Case No. 914/2018, the learned Member, Foreigners' Tribunal, Kamrup (Metro) 2nd, Guwahati, Assam opined the petitioner to be a foreigner under the Foreigners' Act, 1946, who had illegally entered into the territory of India (Assam) on or after 25.03.1971.

Being aggrieved, the petitioner has preferred this writ petition stating that he has not yet been arrested pursuant to the impugned opinion dated 30.09.2021, noted above, but he is apprehending arrest and his deportation from the territory of India.

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Issue Rule, returnable by **8 (eight) weeks**.

As the learned CGC; learned Standing Counsels and learned Government Advocate, Assam, named above, have accepted notices on behalf of the respondents, no formal notice need be issued to them.

Petitioner shall serve requisite extra copies of this writ petition including the Annexures appended thereto to Mr. D J Das, learned CGC; Ms. A Verma, learned Standing counsel, Foreigners' Tribunal, Assam; Ms. L Devi, learned Standing counsel, NRC as well as Mr. A I Ali, learned Standing counsel, Election Commission of India by 21.10.2022, obtaining necessary acknowledgements from them in that regard.

Call for the records of F.T. Case No. 914/2018 from the office of the learned Member, Foreigners' Tribunal, Kamrup (Metro) 2nd, Guwahati, Assam.

As the petitioner has been declared to be a foreigner of post 25.03.1971 stream under the Foreigners Act, 1946 by the impugned opinion dated 30.09.2021 passed by the learned Member, Foreigners' Tribunal, Kamrup (Metro) 2nd, Guwahati, Assam, noted above, he shall appear before the Deputy Commissioner of Police (Border), Kamrup (Metro) on or before 15.11.2022 during the office hours between 10:00 am to 4:30 pm, along with a certified copy of this order, who shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence.

The Deputy Commissioner of Police (Border), Kamrup (M), on his such appearance shall also take necessary steps for capturing the fingerprints of both hands of the petitioner and biometrics of the iris of his both eyes.

It is made clear that without giving full details of the petitioner's present address and/or destination including mobile/phone number (contact number) etc., before the Deputy Commissioner of Police (Border), Kamrup (M) and without obtaining any prior written permission from the said authority, the petitioner shall not leave the jurisdiction of said Deputy Commissioner of Police (Border), Kamrup (M), Guwahati, Assam.

Until further order of the Court, the petitioner shall not be deported from the territory of India pursuant to the impugned opinion dated 30.09.2021, noted above.

However, failure on the part of the petitioner to comply with the directions specified above,

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the authority concerned shall be at liberty to take appropriate action in accordance with law.

A copy of this order requisitioning the case records and the forwarding letter by which the case records are sent to this Court be made part of the record file of the Tribunal.

This order be brought to the notice of the Registrar (Judicial).

Registry shall inform the Deputy Commissioner of Police (Border), Kamrup (M) about this order forthwith.

List accordingly on a date to be fixed by the Registry.

SI- Mitali Thakuria
JUDGE

SI- Manash Ranjan Patra
JUDGE

NB
Comparing Assistant
21/10/2022

CERTIFIED TO BE TRUE COPY
Bantran Shouen
Date..... 21/10/22
Administrative Officer (Judicial)
Copying Section
Gauhati High Court
Authorised U/S 76, Act 1, 1872