

GAHC010250422024



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

**Case No. : WP(C)/6626/2024**

AJABHA KHATUN  
W/O- HAKIM UDDIN, R/O- VILL KEOTKUCHI, MOUZA- BARPETA, P.S.  
BARPETA, DIST- BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF HOME  
AFFAIRS, NEW DELHI

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

3:THE SUPERINTENDENT OF POLICE (BORDER)  
BARPETA DISTRICT  
ASSAM

4:THE SUPERINTENDENT OF POLICE  
BARPETA DISTRICT  
ASSAM

5:THE STATE CO-ORDINATOR  
NATIONAL REGISTRAR OF CITIZENS  
ASSAM  
BHANGAGARH  
GUWAHATI

6:THE STATE CHIEF ELECTION COMMISSIONER

ASSAM  
GUWAHAT

**Advocate for the Petitioner** : MR. M DUTTA, L DEKA,MS S DEV

**Advocate for the Respondent** : DY.S.G.I., SC, ELECTION COMMISSION.,SC, F.T,GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**03.03.2025**

(K.R. Surana, J)

Heard Mr. M. Dutta, learned for the petitioner. Also heard Ms. K. Phukan, learned CGC; Mr. J. Payeng, learned standing counsel for the FT matters; Mr. G. Sharma, learned standing counsel for NRC; and Mr. P. Sarmah, learned Additional Senior Govt. Advocate for the State respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed *ex parte* opinion dated 08.02.2019, passed by the learned Member, Foreigner's Tribunal No.1<sup>st</sup>, Barpeta, Assam in F.T. Case No. 83/17, arising out of IM(D)T Ref. Case No.3587/98, by which the petitioner was

declared to be a foreigner of post 25.03.1971.

3. The learned counsel for the petitioner has produced a photocopy of the order dated 25.02.2025, passed by the Supreme Court of India in *W.P.(Crl.) No.234/2020 - Raju Bala Das vs. Union of India and Ors.* By the said order, liberty was granted to the petitioner to seek appropriate interim relief from the High Court. The said copy of the order is made a part of record.

4. Issue notice returnable on 04.04.2025.

5. Requisite extra copies of the writ petition be furnished to the learned CGC, State and departmental counsel within 2 (two) working days.

6. Let the relevant records be requisitioned from the concerned Foreigners Tribunal.

7. On consideration that by filing this writ petition, the petitioner has assailed the *ex parte* opinion dated 08.02.2019, passed by the learned Member, Foreigner's Tribunal No.1<sup>st</sup>, Barpeta, Assam in F.T. Case No. 83/17 after lapse of over 5 (five) years.

8. The prayer for bail shall be considered on receipt of Tribunal records.

9. The learned counsel for the petitioner has stated that in the meanwhile the petitioner has been apprehended and now lodged in Transit Camp, Matia, Goalpara. Therefore it is provided that in the meanwhile, the petitioner namely, Ajabha Khatun, shall be not be deported out of the Country without the order of this Court.

10. The learned standing counsel for the F.T. matters is requested to send the downloaded copy of the order to the Jailor/ Superintendent of Transit Camp, Matia, Goalpara.

11. List the matter on 04.04.2025.

**JUDGE**

**JUDGE**

**Comparing Assistant**