

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.234/2020

RAJUBALA DAS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 160105/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 70950/2021 - CLARIFICATION/DIRECTION, IA No. 160122/2024 - INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 7146/2025 (XIV)

(IA No. 37885/2025 - CONDONATION OF DELAY IN FILING, IA No. 37883/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 37884/2025 - EXEMPTION FROM FILING O.T., IA No. 42796/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 37888/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

I.A. NO.284865 OF 2024 - I.A. FOR IMPLEADMENT, I.A. NO.288053/2024 - FOR DIRECTIONS

Date : 21-03-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Ms. Vrinda Bhandari, AOR
Ms. Anandita Rana, Adv.
M/S. Kings And Alliance LLP, AOR

For Respondent(s) :Mr. K M Nataraj, A.S.G.
Mr. R Bala, Sr. Adv.
Mr. Kanu Agrawal, Adv.
Mr. Vatsal Joshi, Adv.
Mrs. Swati Ghirdiyal, Adv.
Mr. Balaji Srinivasan, Adv.
Mr. Akshay Amritanshu, Adv.
Ms. Sweksha, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Tushar Mehta, Solicitor General
Mr. Chinmoy Pradip Sharma, A.A.G.
Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.
Mr. Vijay Deora, Adv.
Mr. Krishnajyoti Deka, Adv.

Mr. Shadan Farasat, Sr. Adv.
Ms. Rupali Samuel, Adv.
Mr. Dipes Aggarwal, Adv.
Ms. Mreganka Kukreja, Adv.
Mr. Yash S. Vijay, AOR
Mr. Shikhar Aggarwal, Adv.

Ms. Aparna Bhat, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Karishma Maria, Adv.
Ms. Sanjana Grace Thomas, Adv.
Mr. D.P. Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Dr. Aditya Sondhi, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Ms. Rupali Samuel, Adv.
Mr. M Shaz Khan, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Faizan Ahmad, Adv.
Mr. Sudhanshu Tewari, Adv.
Mr. Rafid Akhter, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.284865 of 2024

Learned Solicitor General has placed on record a copy of the order dated 15th October, 2018 passed by the learned Member, Foreigners Tribunal, 2nd Morigaon, Assam in Case No.F.T. No.43/2017, Police reference F.T. Case No.1/2016 dated 2nd September, 2016.

Learned Solicitor General fairly states that this order may be

set aside and an opportunity may be granted to the applicant Md. Kurban Ali @ Anik to appear before the Tribunal and contest the case.

We, accordingly set aside the order dated 15th October, 2018 in Case No.F.T.43/2017 and restore the case of Foreigners Tribunal, Assam.

We direct the applicant to appear before the Tribunal on 21st April, 2025 in morning. We direct the authority to ensure that the applicant Md. Kurban Ali @ Anik is taken to the Foreigners Tribunal on 21st April, 2025 so that he can be heard by the Tribunal. The Tribunal shall pass a fresh order after giving an opportunity of being heard to the applicant as well as giving an opportunity to him to file affidavits and documents.

Now a request is made by learned senior counsel appearing for the applicant to release the applicant for a limited period. We permit the applicant to file appropriate application in that behalf.

Writ Petition (Criminal) No.234 of 2020

We have perused the affidavit filed by State of Assam in compliance with the order dated 4th February, 2025. The chart annexed to the said affidavit at Annexure 'A' shows that almost in all cases, either Nationality Status Verification Format (NSV Format) has been sent to the Ministry of External Affairs on 14th February, 2025 or reminders have been sent on that day.

It is pointed out that on the basis of the document at Annexure 'B' that out of the list which is referred in our order

dated 4th February, 2025, 13 Bangladeshi Nationals have been deported to Bangladesh. Annexure 'B' is a copy of the handing over and taking over note. In view of the steps taken now, we direct the State of Assam to file further affidavit on status of NSV as well as further deportations, if any. Further affidavits shall be filed by 30th April, 2025 which shall be considered on 6th May, 2025 at 12.00 noon.

We may also note that the affidavit of the Assam Government refers to certain pending petitions before the High Court wherein the some of the persons who are detained in the detention camp have challenged their citizenship status. We make it clear that the High Court is free to decide the pending petitions on its own merits notwithstanding the pendency of the present matter in this Court.

Under the Order dated 4th February, 2025, a direction was issued to the Union of India to deal with the second category of persons where the Tribunal has declared that the persons are not Indian nationals but their nationality is not known. We grant time till end of April, 2025 to Union of India to respond on the issue of second category of persons highlighted in order dated 4th February, 2025 which will be considered on 6th May, 2025.

Those persons who are detained in the detention camp desire to challenge orders declaring their nationality, the Assam State Legal Service Authority shall provide necessary assistance to them.

I.A. No.288053/2024

I.A. No.288053 of 2024 to be separated and listed on 4th April, 2025.

Diary No.7146/2025

Learned Solicitor General states that an appearance will be filed for Union of India as well as Chief Election Commissioner.

Learned counsel appearing for the State of Assam states that the Assam Government and its officers who are impleaded will be also represented.

De-tagged from the other matters.

Counter affidavit to be filed within two weeks.

List on 9th April, 2025.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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With the above directions, the application is disposed of.

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