



GAHC010120752025



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

**Case No. : WP(C)/3101/2025**

REJIYA KHATUN  
DAUGHTER OF NAYAB ALI MONDAL R/O NO 44 SALIJHORA MADHYAM  
KAJALGAON PS KAJOLGAON DIST CHIRANG ASSAM 783385

VERSUS

THE UNION OF INDIA AND ORS  
REP BY THE SECRETARY MINISTRY OF EXTERNAL AFFAIRS GOVT OF  
INDIA SOUTH BLOCK NEW DELHI 110011

2:THE COMMISSIONER AND SECRETARY  
HOME DEPTT GOVT OF ASSAM DISPUR GUWAHATI 6

3:THE DIRECTOR GENERAL OF POLICE  
ASSAM  
ULUBARI GUWAHATI 8

4:THE DISTRICT COMMISSIONER  
CHIRANG  
CHIRANG

5:THE SUPERINTENDENT OF POLICE  
CHIRANG

6:THE SUPERINTENDENT OF POLICE CHIRANG BORDER  
CHIRANG

7:THE OFFICER IN CHARGE  
KAJOLGAON POLICE STATION  
DIST CHIRANG ASSA

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



**Advocate for the Respondent : DY.S.G.I., GA, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**  
**HONOURABLE MR. JUSTICE K. SEMA**

**ORDER**

**Date : 26.06.2025**

(K.R. Surana, J)

Heard Mr. M. Dutta, learned counsel for the petitioner. Also heard Mr. S.K. Medhi, learned CGC; Mr. J. Payeng, learned standing counsel for the FT matters and NRC; Mr. M. Islam, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the ECI; and Mr. H.K. Hazarika, learned Junior Govt. Advocate for the State respondent.

2. Pursuant to the order dated 20.06.2025, Mr. J. Payeng, learned standing counsel for the FT Matters has submitted that he has received instructions from the competent authority that pursuant to the order of bail passed on 15.04.2020, by the Supreme Court of India in WP(C) (Suo motu) 1/2020, the husband of the petitioner was released on bail on 15.11.2021 and he has been complying with the conditions of bail by appearing before the Kajalgaon Police Station every week.

3. However, he prays for some time to file an affidavit-in-opposition to take a stand that notwithstanding the order of bail, the process of deportation was never prohibited and therefore, pursuant to the opinion passed by the Foreigner Tribunals against the petitioner, the process of deportation has to be carried out.



4. In response, the learned counsel for the petitioner has submitted that if the petitioner is complying with the order of bail, further detention of the husband of the petitioner would be illegal.

5. Be that as it may, in view of the nature of stand of proposed to be taken by the State, the Court is inclined to adjourn the matter today.

6. In view of the ensuing summer vacation from 28.06.2025 to 13.07.2025, it is provided i.e. 7 (seven) days prior to next date of listing, the learned standing counsel for the FT matters shall provide a soft copy of the affidavit proposed to be filed to Mr. M. Dutta, learned counsel for the petitioner, so as to enable the petitioner to file response, if any, one day prior to the next date of listing.

7. In the meanwhile, it is provided that the husband of the petitioner, namely, Majibar Rahman @ Majibar Sheikh, shall not be deported out of the Country without the order of this Court.

8. List on 16.07.2025.

**JUDGE**

**JUDGE**

**Comparing Assistant**