



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 MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 04.06.2025

(K.R. Surana, J)

Heard Mr. M. Dutta, learned counsel for the petitioner. Also heard Mr. B. Deka, learned CGC; Mr. J. Payeng, learned standing counsel for the FT matters; Mr. G. Sarma, learned standing counsel for the NRC; Mr. M. Islam, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the ECI; 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 made the following prayers:

(i) A writ in the nature of Mandamus directing the production of Majibar Rahman @ Majibar Sheikh, before the Court of appropriate jurisdiction or any other authority or Court or even before this Hon'ble Court within a specific time frame and also complete all formalities like their medical checkup and submit the reports before this Hon'ble Court.

(ii) A writ in the nature of Mandamus directing the respondents to release Majibar Rahman @ Majibar Sheikh and hand him over to his family.

(iii) A Writ in Mandamus directing the respondents not to resort to



deportation without following due process and maintaining utmost transparency.

(iv) Pass any such other or further order as Your Lordship may deem fit and proper in the interest of justice.

3. The petitioner has submitted that her husband, namely, Majibar Rahman @ Majibar Sheikh was taken into custody on 25.05.2025 and since then, his whereabouts are not known.

4. From the materials available in the writ petition, it appears that the husband of the petitioner was declared to be a foreign national vide opinion dated 15.07.2019, passed by the learned Member, Foreigners' Tribunal, Chirang, Kajalgaon in BNGN/FT/CHR/Case No. 335/2010 (Ref. No. 70/2010).

5. It also appears that pursuant to the said opinion, the husband of the petitioner was detained. The date on when he was detained is not specifically pleaded. However, in view of the order passed during the Covid period, being order dated 15.04.2020, passed by this Court in WP(C) (Suo Motu) 1/2020, the husband of the petitioner was released on bail on certain conditions.

6. There is no material on record to show that the opinion dated 15.07.2019, referred above, has either been challenged or interfered with. Thus, the status of the husband of the petitioner is that he is a declared foreign national from the specified territory and therefore, awaiting his deportation.

7. Under such circumstances, the husband of the petitioner, *prima facie*, not entitled to be released and handed over to his family.

8. Accordingly, that part of the prayer made in this writ petition stands rejected at the motion stage without issuance of notice on the respondents.



9. As the petitioner projects that her husband was taken into custody and his whereabouts are not known, we request the learned standing counsel for the FT matters to obtain information as to the place where the husband of the petitioner, namely, Majibar Rahman @ Majibar Sheikh is presently lodged, if not already deported, and if the husband of the petitioner is deported, he shall obtain and provide information as to the place from which the husband of the petitioner was deported and the manner of deportation.

10. The learned standing counsel for the FT matters is permitted to send a downloaded copy of this order to the concerned authorities to enable him to obtain information and inform the Court accordingly.

11. List on 09.06.2025.

JUDGE

JUDGE

Comparing Assistant