



GAHC010120742025



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

Case No. : WP(C)/3099/2025

SANIDUL SHEIKH
S/O ABDUL SHEIKH, R/O.- CHATIBARGAON, P.S. KAJALGAON, DISTRICT-
CHIRANG, ASSAM, PIN-783385.

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA, SOUTH BLOCK, NEW DELHI-110011.

2:THE COMMISSIONER AND SECRETARY
HOME DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-08.

4:THE DISTRICT COMMISSIONER
CHIRANG
ASSAM

5:THE SUPERINTENDENT OF OF POLICE
CHIRANG.

6:THE SUPERINTENDENT OF POLICE CHIRANG
(BORDERS).

7:THE OFFICER-IN-CHARGE



KAJOLGAON POLICE STATION
DIST. CHIRANG
ASSA

Advocate for the Petitioner : MR. M DUTTA, MS S DEV, MR. N BARDOLOI, 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 Abdul 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 Abdul Sheikh and hand him over to his family.

(iii) A Writ in Mandamus directing the respondents not to resort to deportation of Abdul Sheikh 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 his father, namely, Abdul 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 petitioner was declared a foreign national vide opinion dated 13.06.2018, passed by the learned Member, Foreigners' Tribunal, Chirang in FT Case No. BNGN/FT/CHR/220/07 (Ref. PE No. 220/06). It also appears that the father of the petitioner was detained on 30.04.2019. 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 father of the petitioner was released on bail on conditions.

5. There is no material on record to show that the opinion dated 13.06.2018, referred above has been assailed and/ or interfered with. Thus, the status of the father of the petitioner is that he is a declared foreign national from the specified territory and therefore, awaiting his deportation.

6. Under such circumstances, the father of the petitioner, *prima facie* is not found entitled to be released and handed over to his family.



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

8. As the petitioner projects that his father 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 father of the petitioner, namely, Abdul Sheikh is presently lodged, if not already deported, and if the father of the petitioner is deported, he shall provide information as to the place from which the father of the petitioner was deported and the manner of deportation.

9. 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.

10. List on 09.06.2025.

JUDGE

JUDGE

Comparing Assistant