



GAHC010120772025

Page No.# 1/4



undefined

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

Case No. : WP(C)/3170/2025

ABDUL REJJAK
S/O SAPUR ALI, R/O MADHUSAULMARI PART-II, PS. GAURIPUR, DISTRICT
DHUBRI, ASSAM, PIN 783331

VERSUS

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

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

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

4:THE DISTRICT COMMISSIONER
DHUBRI

5:THE SUPERINTENDENT OF POLICE
DHUBRI

6:THE SUPERINTENDENT OF POLICE (B)
DHUBRI

7:THE OFFICER IN CHARGE
GAURIPUR POLICE STATION



DHUBRI
ASSA

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

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 09.06.2025
(K.R. Surana, J)

Heard Mr. M. Dutta, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned CGC; Mr. J. Payeng, learned standing counsel for the FT matters; Mr. G. Sarma, learned standing counsel for the NRC; 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 Doyjan Bibi, 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 Doyjan Bibi and hand her over to her family.



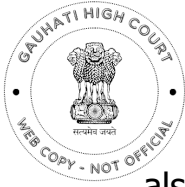
(iii) A Writ in Mandamus directing the respondents not to resort to deportation of Doyjan Bibi without following due process and maintaining utmost transparency.

(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 wife, namely, Doyjan Bibi was taken into custody on 24.05.2025 from her house at village- Madhusaulmari Part-II, under Gauripur P.S., District- Dhubri and since then, her 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 31.08.2017, passed by the learned Member, Foreigners Tribunal No.4, Dhubri in FT Case No. FT4/71/GPR/2017 (Reg. C/No. IM(D)T 806/98). It also appears that the wife of the petitioner was detained in the month of March, 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 wife of the petitioner was released on bail on 28.05.2021 on certain conditions.

5. From the materials available on record, it appears that the *ex parte* opinion dated 31.08.2017, passed by the learned Member, Foreigners Tribunal No.4, Dhubri in FT Case No. FT4/71/GPR/2017 was set aside by a coordinate Bench of this Court by order dated 24.09.2021, passed in WP(C) 2028/2020, however, on condition that the wife of the petitioner shall appear before the concerned Tribunal on or before 27.10.2021, failing which the impugned opinion cannot be revived and law would take its own course and the bail order would



also stand cancelled. In paragraph-14 of the writ petition, it has been admitted that the wife of the petitioner did not appear before the said learned Tribunal.

6. Under such circumstances, the wife of the petitioner, *prima facie* is not found entitled to be released and handed over to her 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 wife was taken into custody and her whereabouts are not known, we request the learned standing counsel for the FT matters to obtain information as to the place where the wife of the petitioner, namely, Doyjan Bibi is presently lodged, if not already deported, and if the wife of the petitioner is deported, he shall provide information as to the place from which the wife 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 16.06.2025.

JUDGE

JUDGE

Comparing Assistant