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

Case No. : WP(C)/288/2026

JOTSNARA BEGUM @ JUSHNARA BEGUM
WIFE OF- MAZIBUR RAHMAN, VILLAGE- SARUPATHAR SAHIDPUR, P.S
-KAMPUR, DIST. -NAGAON, ASSAM, PIN- 782426

VERSUS

THE UNION OF INDIA AND ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI
PIN- 781006.

3:THE DISTRICT COMMISSIONER
NAGAON
DIST.- NAGAON
PIN- 782001

4:THE SUPERINTENDENT OF POLICE(B)
DIST.- NAGAON
PIN- 782001.

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI
PIN- 110001.

6:THE STATE CO- ORDINATOR
NATIONAL REGISTRAR OF CITRIZEN (NRC)

BHANGAGARH
PIN-781032

Advocate for the Petitioner : MR. A M AHMED, P. GHOSH, S. RAHANA, B DAS

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

BEFORE

HON'BLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE ANJAN MONI KALITA

21.01.2026

(K.R.Surana, J)

Heard Mr. A. M. Ahmed, learned counsel for the petitioner. Also heard Ms. K. Phukan, learned CGC; Mr. G. Sarma, learned standing counsel for the NCR; Ms. A. Verma, learned standing counsel for FT matters; Mr. P. Sharma, learned Addl. Sr. Govt. Advocate, Assam and Ms. K. Bhattacharyya, learned counsel appearing on behalf of Ms. S. Katakey, learned standing counsel for the Election Commission of India.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 31.10.2025, passed by the learned Member, Foreigners' Tribunal-9th, Nagaon, in F.T. Case No. 02/2018, arising out of S.P. (B) Case No.264/2017, thereby declaring the petitioner to be a foreigner of post 25.03.1971 stream.

3. Issue notice returnable in 4 (four) weeks.

4. Requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.

5. Let the relevant records be called for from the concerned Foreigners Tribunal by email at the following email address:

ft9thnagaon@gmail.com

6. The prayer for bail is opposed by the learned standing counsel for the FT matters.

7. Considering the projection made in this writ petition, the Court is inclined to grant bail to the petitioner, namely, Jotsnara Begum @ Jushnara Begum, by providing that if she has not already been detained in custody, she shall not be taken into custody and/ or deported from the territory of India, on condition that she shall appear before the Superintendent of Police (Border), Nagaon within 10 days from today during the office hours and shall furnish a bail bond of Rs.5,000/- (Rupees Five Thousand only/-) with one solvent surety of the like amount to the satisfaction of the said authority. Further, the Superintendent of Police (Border), Nagaon is directed that on appearance of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, whereafter, she shall be allowed to remain on bail.

8. On her appearance before the Superintendent of Police (Border), Nagaon, as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing her appearance.

9. On failure of the petitioner to appear before the Superintendent of Police (Border), Nagaon, the bail to the petitioner would stand lapsed.

10. The Court is inclined to take notice of the fact that in respect of the

opinion rendered by the learned Member, Foreigners' Tribunal No. 9th, Nagaon, most of the times the opinion is handwritten. Therefore, it appears that either the particular Tribunal does not have a Stenographer/Typist or the Stenographer/typist is not in regular attendance. Accordingly, we direct the Home & Political (B) Department to make an enquiry as to whether the assistance of a Stenographer/ typist is provided to the learned Member, Foreigners' Tribunal No. 9th, Nagaon and if the service of Stenographer/ typist is provided, whether the said Stenographer/typist is in regular attendance.

11. The learned Standing counsel for the FT matters shall download a copy of the order to the authorities and shall bring to the notice of the Home & Political (B) Department to cause an enquiry and to submit a report preferably by the next date of listing.

List the matter after 4 (four) weeks and/or on receipt of the Tribunal records.

JUDGE

Comparing Assistant