

GAHC010009122026



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

Case No. : WP(C)/759/2026

MAJIBAR RAHMAN @ MAJIBAR SHEIKH
SON OF MD MAMUD ALI @ MAMUD ALI SHEIKH, RESIDENT OF NO 44
SALIJHORA, MADHYAM, KAJALGAON, PS KAJOLGAON, DISTRICT
CHIRANG, ASSAM 783385

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF HOME
AFFAIRS, GOVERNMENT OF INDIA, NEW DELHI-1.

2:THE MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA REPRESENTED BY ITS SECRETARY
NEW DELHI-1.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR GUWAHATI-6.

4:THE DEPUTY SUPERINTENDENT OF POLICE
(BORDER)
CHIRANG
ASSAM
PIN-783385.

5:THE SENIOR SUPERINTENDENT OF POLICE
CHIRANG
ASSAM
PIN-783385.

6:THE SR SUPERINTENDENT OF POLICE (BORDER)
KOKRAJHAR
ASSAM

7:THE STATE CO-ORDINATOR
NATIONAL REGISTRAR OF CITIZENS
ASSAM
BHANGAGARH
GUWAHATI
PIN-781005

8:THE STATE CHIEF ELECTION COMMISSIONER
ASSAM. GUWAHATI

Advocate for the Petitioner : MR. M DUTTA, POOJA ROY,MS S DEV,L DEKA

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 13.02.2026
(K.R. Surana, J)

Heard Mr. M. Dutta, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned CGC; Mr. G. Sarma, learned standing counsel for the FT and Border matters; Ms. S. Katakey, learned standing counsel for the ECI; and Mr. H.K. Hazarika, learned Govt. Advocate for the State respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 15.07.2019, passed by the learned Member, Foreigners Tribunal, Chirang, Kajalgaon, in BNGN/FT/CHR/Case No. 335/2010, arising out of Ref. No. 70/2010, by which the petitioner was declared as an illegal migrant of post 25.03.1971 stream.

3. In view of the inordinate delay in assailing the impugned opinion,

keeping the issue of maintainability open, issue notice returnable on 20.03.2026.

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 addresses:

mbrftchirang@gmail.com

6. It has been submitted at the Bar that the petitioner, namely, Md. Majibar Rahman @ Majibar Sheikh has been taken into custody on 25.05.2025 and presently lodged at Holding Centre, 7th APBn. Charaikhola, Kokrajhar.

7. It is provided that till 23.03.2026, if not already deported, the petitioner shall not be deported out the Country without the order of the Court.

8. The petitioner shall cause production of a certified copy of this order before the concerned authority of Holding Centre, 7th APBn. Charaikhola, Kokrajhar to bring the order to the notice of the said authority.

9. List on 20.03.2026.

JUDGE

JUDGE

Comparing Assistant