

GAHC010009792019



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

Case No. : WP(C)/310/2019

NURJAHAN BEGUM AND 3 ORS.
W/O- MD. NURUL ISLAM, VILL- BAHA UNNATPARA, P.S. MAYONG, DIST-
MORIGAON (ASSAM)

2: MD. NUR MOHAMMAD
S/O- MD. NURUL ISLAM
VILL- BAHA UNNATPARA
P.S. MAYONG
DIST- MORIGAON (ASSAM)

3: MD. NUR AMIN
S/O- MD. NURUL ISLAM
VILL- BAHA UNNATPARA
P.S. MAYONG
DIST- MORIGAON (ASSAM)
(BEING MINOR REP. BY THEIR MOTHER NURJAHAN BEGUM i.e.
PETITIONER NO. 1)

4: MUSSTT. ROJINA BEGUM
D/O- MD. NURUL ISLAM
VILL- BAHA UNNATPARA
P.S. MAYONG
DIST- MORIGAON (ASSAM)
(BEING MINOR REP. BY THEIR MOTHER NURJAHAN BEGUM i.e.
PETITIONER NO. 1)

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, SHASTRI BHAWAN, TILAK MARG, NEW DELHI- 110001

2: THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN

ASHOKA ROAD
NEW DELHI- 110001

3:THE STATE OF ASSAM
REP. BY THE SECY. TO THE GOVT. OF ASSAM
HOME DEPPT.
DISPUR
GHY-6

4:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZEN
GS ROAD
BHANGAGARH
GHY- 5

5:THE MEMBER
FOREIGNERS TRIBUNAL NO. 1
MORIGAON
ASSAM

6:THE SUPERINTENDENT OF POLICE (B)
MORIGAON
ASSA

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

05.04.2021

(N. Kotiswar Singh, J)

Heard Mr. S. Hoque, learned counsel for the petitioners.

Also heard Mr. C.K.S. Baruah, learned Central Government Counsel on behalf of the respondent No.1; Ms. L. Devi, learned Standing Counsel, NRC on behalf of the respondent No. 4; Mr. J Payeng, learned Special Counsel, FT on behalf of the respondent Nos. 3, 5 & 6 and Ms. B. Das, learned Standing Counsel, ECI, on behalf of the respondent No. 2.

The records have been received.

It has been submitted by learned counsel for the petitioners that the petitioners have not been detained on the strength of the order dated 12.09.2013 passed by the Foreigners Tribunal-1st, Morigaon. In that view of the matter, the petitioners, if not already arrested, may

not be arrested and deported from India. However, the petitioners shall appear before the Superintendent of Police (Border), Morigaon within 15 (fifteen) days from today, who may obtain necessary information and documentation as required under the rules from the petitioners for securing their presence. On such appearance, each of the petitioners shall furnish a bail bond of Rs. 5,000/-(Rupees five thousand) with one local surety of the like amount to the satisfaction of the said authority, whereafter, the petitioners shall be allowed to remain on bail. The concerned Superintendent of Police (Border), Morigaon shall also take steps for capturing the fingerprints and biometrics of the iris of the petitioners, if so advised. The petitioners also shall not leave the jurisdiction of the Morigaon district without furnishing the details of the place of destination and necessary information including contact number to the Superintendent of Police (Border), Morigaon.

Since the records have been received, list the matter for hearing in due course along with W.P(C) No. 1104/2019.

JUDGE

JUDGE

Comparing Assistant