

GAHC010012132026



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

Case No. : WP(C)/1012/2026

MD AMIR ALI ALIAS AMIRUDDIN
S/O LATE KURUP ALI ALIAS KURUB ALI, RESIDENCE OF VILLAGE -
GARUBANDHA, P.S. - MAYONG, DISTRICT - MORIGAON, ASSAM

VERSUS

THE UNION OF INDIA AND OTHERS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME AFFAIRS, NEW DELHI -110011,

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF HOME
DISPUR
GUWAHATI-06

3:THE ELECTION COMMISSION OF INDIA

REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI - 110001.

4:THE SUPERINTENDENT OF POLICE (BORDER)
MORIGAON
ASSAM
PIN-78210

Advocate for the Petitioner : B DUTTA, MR. U DUTTA

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

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

ORDER

25.02.2026

(K.R. Surana, J)

Heard Mr. U. Dutta, learned counsel for the petitioner. Also heard Mr. U. K. Goswami, learned CGC; Ms. A. Verma, learned standing counsel for the FT matters and 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 assailed the impugned opinion dated 19.03.2025, passed by the learned Member, Foreigners' Tribunal No. 4th, Morigaon, in F.T. (C) Case No. 190/2016, arising out of Police reference IM(D)T Case No. 856/03, declaring the petitioner to be a foreigner of Post 25.03.1971 stream.

3. It is further submitted that in two previous proceedings, the petitioner was declared to be not a foreigner for which he places reliance on the opinion dated 24.02.2016 passed by the same learned tribunal in FT(C) Case No. 66/2015 and another opinion dated 10.04.2018 passed by the same learned tribunal in FT(C) Case No. 161/2016.

4. Issue notice returnable within 4 (four) weeks.

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

6. Let the relevant records be called for from the concerned Foreigners Tribunal through usual process as well as through the following email address:

deka.moushumi@yahoo.com

7. The prayer for bail is opposed by the learned standing counsel for the FT matters. However, in view of the projection made in this writ petition, the Court is inclined to grant bail to the petitioner, namely, Md. Amir Ali Amiruddin, by providing that if he has not already been detained in custody, he shall not be taken into custody and deported from the territory of India, on condition that he shall appear before the Superintendent of Police (Border), Morigaon, within 10 (ten) 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), Morigaon 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, he shall be allowed to remain on bail.

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

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

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

JUDGE

JUDGE

Comparing Assistant