

GAHC010014642026



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

Case No. : WP(C)/577/2026

MD. JAMALUDDIN @ JAMALUDDIN
S/O- ABDUL RAHMAN @ A. RAKMAN, PERMANENT R/O WARD NO 2
KHARUPETIA TOWN, P.O.- KHARUPETIA, P.S.- KHARUPETIA, DISTRICT-
DARRANG, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI, PIN 110001

2: THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI 110001

3: THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI 781006

4: THE DISTRICT COMMISSIONER
DARRANG
784125
ASSAM

5: THE SUPERINTENDENT OF POLICE (B)
DARRANG
PIN 784125
ASSAM

6:THE COORDINATOR
NATIONAL REGISTER OF CITIZENS
BHANGAGARH
GUWAHATI 78100

Advocate for the Petitioner : MR A W AMAN, SAMIM RAHMAN,S T AMAN,MD A RAHMAN,MR SARFRAZ NAWAZ

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

06.02.2026

(K.R. Surana, J.)

Heard Mr. A. Rahman, learned counsel for the petitioner. Also heard Mr. CKS Baruah, learned CGC; Mr. G. Sarma, learned standing counsel for the FT matters and NRC; Mr. AI 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 25.07.2022, passed by the learned Member, Foreigners' Tribunal No.3rd at Darrang, Mangaldai, in F.T. (3) Case No. 4995/2012, arising out of Ref- F.T. Case No. 261/09, thereby answering the reference in the affirmative and in favour of the State as the proceedee has miserably failed to discharge his burden of proof as envisaged under Section 9 of the Foreigners Act 1946.

3. Issue notice returnable on 11.03.2026.

4. Requisite extra copies of the writ petition be furnished to the learned

counsel for the respondents in course of the day today.

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

ddoft3mld@gmail.com

6. The prayer for bail shall be considered on receipt of the Tribunal's record.

7. In the meanwhile, if the petitioner, namely, Md. Jamaluddin @ Jamaluddin is apprehended, he shall not be deported out of the Country without the order of the Court.

8. The petitioner shall cause production of the certified copy of this order before the Superintendent of Police (Border), Darrang to bring the order to the notice of the said authority.

9. List on 11.03.2026.

JUDGE

JUDGE

Comparing Assistant