

GAHC010018972026



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

Case No. : WP(C)/1068/2026

MUSTT MOLIKA KHATOON ALIAS MALLIKA BEGUM
W/O LT BABUL ALI, D/O- LT ABDUL AZIZ, R/O- VILLAGE - 1 NO.
PADUMONI, P.S.- SARUPATHAR, DISTRICT-GOLAGHAT, ASSAM. PIN-
785601

VERSUS

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

2:THE ELECTION COMMISSION OF INDIA
NEW DELHI- 110001

3:THE STATE OF ASSAM
REPRESENTED BY THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06

4:THE ASSAM STATE CO ORDINATOR OF NRC
BHANGAGARH
GUWAHATI-05

5:THE DISTRICT COMMISSIONER
GOLAGHAT
DIST.- GOLAGHAT
ASSAM. PIN- 785621

6:THE SUPERINTENDENT OF POLICE (B)
GOLAGHAT
DIST.- GOLAGHAT

ASSAM
PIN- 78562

Advocate for the Petitioner : MR. S A AHMED, MR. F A AHMED,MS. K DAS

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 SANJEEV KUMAR SHARMA

ORDER

09.03.2026

(K.R. Surana, J)

Heard Mr. S.A. Ahmed, learned counsel for the petitioner as well as Mr. G. Sarma, learned standing counsel for the Foreigners Tribunal and NRC, Mr. N. Kalita, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the Election Commission of India, Ms. S. Baruah, learned CGC, and Mr. P. Sarmah, learned Addl. Senior Govt. Advocate.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the *ex parte* opinion dated 29.03.2010 passed by the learned Member, Foreigners Tribunal, Golaghat in Case No. FTG 484/07, by which the petitioner was declared as an illegal migrant of post 25.03.1971 stream.

3. The learned counsel for the petitioner has drawn the attention of the Court to the said opinion as well as to the order sheet of the said learned Tribunal which is annexed as *Annexure-K* to this writ petition whereby it is submitted that there is no order showing that the notice was duly served on the petitioner. It is further submitted that the petitioner has been taken into custody on 25.05.2025 and since then she has been held at the Transit Camp, Matia. It

has been submitted that the petitioner is a government servant and has come to know about the *ex parte* opinion only after being taken into custody.

4. Accordingly, the Court is inclined to call for the records of Case No. FTG 484/2007 from the learned Member, Foreigners Tribunal, Golaghat by usual process as well as by email at the following email address:

memftjorhat55@gmail.com

5. The Registry shall send the requisition of the records.

6. The petitioner has filed the connected IA(C) 603/2026 for bail. The same shall be considered on receipt of the Tribunals records.

7. In the meantime, if the petitioner, namely, Mustt Molika Khatoon Alias Mallika Begum, is not already deported, she shall not be send back from the Country without order of the Court.

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

9. List the matter on 01.04.2026.

JUDGE

JUDGE

Comparing Assistant