

GAHC010023882026



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

Case No. : WP(C)/1034/2026

SUFIA BEGUM
W/O SANA ULLAH
D/O LT. MD. ASHRAF ALI, R/O VILL DAKSHIN HAIBARGAON, P.S. SADAR
NAGAON, P.O. HAIBARGAON DISTRICT NAGAON ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS.
TO BE REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-
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2:THE STATE OF ASSAM
TO BE REPRESENTED BY THE COMMISSIONER SECRETARY OF HOME
DEPARTMENT
DISPUR
GUWAHATI
ASSAM

3:THE SUPERINTENDENT OF POLICE (BORDER)

NAGAON
ASSAM
PIN- 782001

4:THE DISTRICT COMMISSIONER

NAGAON
P.O AND DIST NAGAON ASSAM
PIN- 782001

5:THE ASSAM STATE CO ORDINATOR OF NRC

HOUSEFED COMPLEX
DISPUR
GUWAHATI -06

6:THE ELECTION COMMISSIONER OF INDIA

NEW DELH

Advocate for the Petitioner : DARAK ULLAH, MS A HUSSAIN,SABRISH AHMED

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 20-05-2026
(S.K Medhi, J)

Heard Ms. A Hussain, learned counsel for the petitioner. Also heard Ms. A. Verma, learned Standing counsel for the respondent No. 2, 3 & 5.

2. The instant application has been filed under Article 226 of the Constitution of India challenging an order dated 09/01/2026 of the learned Member Foreigners Tribunal No.1, Nagaon, Assam in F.T Case (D) No. 540/12, whereby the prayer to accept certain documents has been rejected.

3. The learned counsel for the petitioner has submitted that the issue is covered by an earlier judgment passed of this Court in the case of WP(C) No. 7412 of 2018 (Maleka Khatun -versus- Union of India & Others) disposed of 03/12/2018 and therefore the petition be allowed.

4. On the other hand, Ms. A. Verma, the learned Standing counsel has submitted that the reference is of the year 2012 and the impugned order would clearly reflect that the case was fixed for filing written argument and at this

stage, the petition was filed. She has also submitted that no ratio, as such, has been laid down in the case of Maleka Khatun (supra) and therefore, the same cannot be treated as a binding precedent.

5. We have heard the learned counsels and have also carefully gone through the materials placed before us.

6. The reference was registered in the year 2012. At this stage, the learned counsel for the petitioner has submitted that the notices were received in the year 2023. Be that as it may, even assuming that the notices were received in the year 2023 about 3 years have passed and the impugned order is of 09/01/2026. It clearly reflects that the case was fixed for filing written argument and only at the last stage an application was filed to produce more documents.

7. We are also aware of the provisions of law namely, Order 3(14) of the Foreigners (Tribunals) Order, 1964 which mandates completion of proceeding within a period of 60 days.

8. We are of the opinion that the present move by the petition is only a dilatory tactic to further delay the proceedings.

9. We accordingly, we do not find the present case to be a fit case for invoking the equitable writ jurisdiction and accordingly, the petition is dismissed.

JUDGE

JUDGE

Comparing Assistant