

GAHC010033942026



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

Case No. : WP(C)/1186/2026

SMTI SEBIKA DEBNATH
D/O LT. PRAFULLA CHANDRA RAI @ PRAFULLA CHANDRA DEBNATH @
PRAFULLA CHANDRA NATH RESIDENT OF VILL- RUPOHITOWN, MOUZA
P.S. RUPOHIHAT, DIST. NAGAON, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS
(FOREIGNERS DIVISION), NORTH BLOCK, NEW DELHI-110001.

2:STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
PIN-781006.

3:THE ELECTION COMMISSION OF INDIA

REPRESENTED BY CHIEF ELECTION COMMISSIONER
NIRVACHAN SHADAN
ASHOKA ROAD
110001.

4:SUPERINTENDENT OF POLICE (BORDER)

DIST. NAGAON
ASSAM
PIN-782002

5:DISTRICT COMMISSIONER

DIST. NAGAON
ASSAM
PIN-782002.

6:THE STATE COORDINATOR
NRC

ASSAM
ACHYUT PLAZA
BHANGAGARH
GUWAHATI-781005

Advocate for the Petitioner : MR. B CHAKRABORTY, MRS P HAZARIKA

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

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

ORDER

02.03.2026

(K.R. Surana, J)

Heard Ms. P. Hazarika, learned counsel for the petitioner. Also heard Mr. S. Kakati, learned CGC; Mr. Meghna Singha, learned counsel on behalf of Ms. S. Katakey, learned Standing Counsel for the ECI; Mr. G. Sharma, learned standing counsel for the FT matters and NRC; and Mr. P. Sarmah, learned Additional Sr. Govt. Advocate for respondents.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 27.07.2021, passed by the learned Member, Foreigners Tribunal 3rd, Nagaon, Assam, in F.T. Case No. NFT.(No.3)(D) 165/2015, corresponding to D/Case No.1622/98,

thereby declaring the petitioner to be a foreigner of post 25.03.1971 stream.

3. In view of the inordinate delay in assailing the impugned opinion dated 27.07.2021, keeping the issue of maintainability open, issue notice returnable on 01.04.2026.

4. Let the relevant records be called for from the concerned Foreigners Tribunal by e-mail at the following e-mail address of the learned Tribunal:-
advgeetadeka@gmail.com

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

6. Prayer for bail shall be considered on receipt of records.

7. In the meantime, if the petitioner, namely, Sebika Debnath, is apprehended she shall not be deported out of the Country without the order of the Court.

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

9. List on 01.04.2026.

JUDGE

JUDGE

Comparing Assistant