

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 SHAMIMA JAHAN**

**ORDER**

**Date : 01.04.2026**  
(K.R Surana, J)

Heard, Ms. P. Hazarika, learned Counsel for the petitioner. Also heard, Mr. B. Chakravarty, learned CGC, Ms. S. Katakey, learned Standing Counsel for the ECI, Mr. J. Payeng, learned Standing Counsel for FT & NRC, Mr. P. Sarmah, learned Addl. Senior Govt. Advocate and Ms. Rita B. Bora, learned Junior. Govt. Adv.

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 3<sup>rd</sup>, 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. The records from the Foreigners Tribunal are received and accordingly, the same requires examination. Accordingly, the Court is inclined to issue rule returnable forthwith without requiring any fresh steps to be taken.

4. The learned Counsel for the petitioner prays for bail, which 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, Smt. Sebika Debnath, by providing that if she has not already been detained in custody, she shall not be taken into custody and deported from the territory of India, on condition that she shall appear before the Superintendent of Police (Border), Nagaon within 15 (fifteen) 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), Nagaon 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, where after, she shall be allowed to remain on bail.

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

6. On failure of the petitioner to appear before the Superintendent of Police

(Border), Nagaon, the bail to the petitioner would stand lapsed.

7. List this matter again on 12.05.2026.

**JUDGE**

**JUDGE**

**Comparing Assistant**