

GAHC010042012019



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

**Case No. : WP(C)/1375/2019**

MIRAJ ALI  
S/O- LATE JAHARUDDIN, VILL- TULASHIBORI, P.S- BHELOWGURI, DIST-  
MORIGAON, ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS  
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MIN OF HOME  
AFFAIRS, NEW DELHI- 110001

2:THE STATE OF ASSAM  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM  
HOME DEPTT  
DISPUR  
GUWAHATI- 06

3:THE ELECTION COMMISSION OF INDIA  
NEW DELHI- 110001

4:THE STATE COORDINATOR  
NRC  
ASSAM  
ACHYUT PLAZA  
BHANGAGARH  
GUWAHATI- 05

5:THE STANDING COUNSEL  
SPECIAL FT AND BORDER

6:THE DEPUTY COMMISSIONER  
MORIGAON  
ASSAM  
PIN- 782105

7:THE SUPERINTENDENT OF POLICE (B)  
MORIGAON  
ASSAM  
PIN- 782105

8:THE O/C BHELOWGURI POLICE STATION  
MORIGAON  
PIN- 78212

**Advocate for the Petitioner** : MR. J AHMED

**Advocate for the Respondent** : ASSTT.S.G.I.

BEFORE  
**HON'BLE MR. JUSTICE N. KOTISWAR SINGH**  
**HON'BLE MRS. JUSTICE MALASRI NANDI**

**:: O R D E R ::**

**17.11.2021**

***[N. Kotiswar Singh, J]***

Heard Mr. J. Ahmed, learned counsel for the petitioner.

Issue notice, returnable within 4(four) weeks.

Mr. B. Sarma, learned Central Government Counsel accepts notice on behalf of respondent No.1; Mr. G. Sarma, learned Standing Counsel, Foreigners Tribunal accepts notice on behalf of respondent Nos.2, 5, 7 and 8; Mr. A.I. Ali, learned Standing Counsel, ECI accepts notice on behalf of respondent No.3; Ms. L. Devi, learned Standing Counsel, NRC accepts notice on behalf of respondent No.4 and Ms. U. Das, learned Additional Senior Government Advocate accepts notice on behalf of respondent No.6.

As the respondents are duly represented, no formal steps need be taken in respect of them. However, the petitioner shall serve extra copies to the learned counsel for the respondents.

Registry to requisition the case records in respect of Case No. F.T. 445/2018 (New Number) [F.T. 89/2017 (Old Number), F.T. Case No. 89/2017 dt. 27.11.2017] from the Foreigners Tribunal-5<sup>th</sup>, Morigaon, Assam.

In the meantime, in the event, if the petitioner has not been detained on the strength of the order dated 28.12.2018 passed by the learned Foreigners Tribunal-5, Morigaon, Assam in Case No. F.T.445/2018 (New Number) [F.T. 89/2017 (Old Number), F.T. Case No. 89/2017 dt. 27.11.2017] he shall not be taken into custody and deported from India.

However, we direct the petitioner to appear before the Superintendent of Police (Border), Morigaon within 15(fifteen) days from today, who may obtain necessary information and documentation as required under the rules from the petitioner for securing his presence. On such appearance, the petitioner shall furnish a bail bond of Rs.5,000/- (Rupees five thousand) with one local surety of the like amount to the satisfaction of the said authority whereafter he shall be allowed to remain on bail. The concerned Superintendent of Police (Border) shall also take steps for capturing the finger prints and biometrics of the iris of the petitioner, if so advised.

However, the petitioner shall not leave the jurisdiction of Morigaon District without giving details of the place of destination and his place of stay to the Superintendent of Police (Border), Morigaon.

List the matter after receipt of case records.

**JUDGE**

**JUDGE**

**Comparing Assistant**