

GAHC010044012026



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

Case No. : WP(C)/1397/2026

NUR AHMED ALIAS NUR AHMED MAZUMDER
S/O LATE TAJOMAL ALI, R/O VILL- PANGRAM PT-I, P.O-PANGRAM, P.S-
UDHARBOND, DISTRICT- CACHAR, PIN- 788030, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFIARS, NEW DELHI-1

2:THE ELECTION COMMISSION OF INDIA
NEW DELHI -1

3:THE STATE OF ASSAM
REPRESENTED BY TH ESECRETARY TO THE GOVT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

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

5:THE DISTRICT COMMISSIONER
CACHAR
ASSAM
PIN- 783380

6:THE SUPERINTENDENT OF POLCE
CACHAR
ASSAM

PIN- 788001

7:THE OFFICER-IN-CHARGE
UDHARBOND POLICE STATION
DISTRICT- CACHAR
ASSAM
PIN- 78803

Advocate for the Petitioner : MR. M U MAHMUD, MR S H MAHMUD,C YANTHAN,V
KHAKHALARY,MS. N BHARADWAJ,S SEKH

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 01.04.2026

(K.R Surana, J)

Heard, Mr. MU Mahmud learned Counsel for the petitioner. Also heard, Mr. B. Chakravarty, learned CGC, Ms. S. Katakey, SC, ECI, Mr. J. Payeng, SC, 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 ex parte opinion dated 07.01.2015, passed by the learned Member, Foreigner's Tribunal 2nd, Silchar, in FT 2nd (D) Case No. 643/2011, corresponding to P.S. UdhARBOND, I.O. Case No. 2843/1998, by which the petitioner was declared as an illegal migrant.

3. In this writ petition, the petitioner projects that the notice of the proceedings pending before the Foreigner's Tribunal 2nd, Silchar, was never served on the petitioner. Accordingly, by order dated 09.03.2026, the Tribunal Records were called for.

4. On perusal of the Tribunals Records, it is seen that as per the process server's report dated 09.01.2014, notice was pasted in the wall of grocery shop of Azad Choudhury.

5. There is nothing on record to show that the petitioner was a resident of the grocery shop of Azad Choudhury. Therefore, the manner in which notice was served on the petitioner by hanging/pasting it on the grocery is not in conformity with the provisions of any of the clauses of Order 3(5) of the Foreigner's (Tribunals) Order, 1964 including Order 3(5)(f) of the said order.

6. Although the learned Standing Counsel for the FT and the Border matters has opposed the interference with the impugned opinion after 14 years, on the ground that there is no explanation in the writ petition as to how the petitioner got the information of the impugned opinion.

7. Be that as it may, as the notice is not found to be duly served on the petitioner in accordance with the law, in the considered opinion of the Court, the same vitiates the impugned opinion dated 07.01.2015. Accordingly, the said impugned opinion dated 07.01.2015, passed by the learned Member, Foreigner's Tribunal 2nd, Silchar, in FT 2nd (D) Case No. 643/2011, corresponding to P.S. Udharbond, I.O. Case No. 2843/1998, is hereby set aside by remanding the matter back to the said learned Tribunal for a fresh opinion.

8. Accordingly, the Court is inclined to direct as follows:

- i) The petitioner namely, Nur Ahmed @ Nur Ahmed Mazumdar is directed to appear before Foreigner's Tribunal 2nd, Silchar, in connection with FT 2nd (D) Case No. 643/2011 on or before 11.05.2026.
- ii) On her appearance, the petitioner shall produce a certified copy of the order and also file a written statement of defence and file all the documents on which she intends to rely on.

9. It is further provided that in the event the petitioner fails to appear within the outer time limit as indicated above, it would be open to the said learned Tribunal to treat the petitioner as absent on call and pass appropriate orders.
10. The learned Tribunal shall dispose of the proceedings in accordance with the mandate of Order 3(14) of the Foreigner's (Tribunals) Order, 1964.
11. The writ petition stands allowed to extent as indicated above.
12. The Registry shall return back the Tribunals records along with a copy of this order to be made a part of the record by the said learned Tribunal.

JUDGE

JUDGE

Comparing Assistant