

GAHC010213592019



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

Case No. : WP(C)/2933/2019

IMAN HUSSAIN @ IMAN ALI @ IMAM ALI AND 3 ORS.
S/O- LT. NABI HUSSAIN
R/O. VILL- NARAMARI RESERVE
VILL.- DHARAMTUL
DIST- MORIGAON
ASSAM.

2: MUSST. JAYADA BEGUM
W/O. MD. IMAN HUSSAIN @IMAN ALI
R/O. VILL- NARAMARI RESERVE
VILL.- DHARAMTUL
DIST- MORIGAON
ASSAM.

3: MD. MAJIBUR RAHMAN
S/O. MD. IMAN HUSSAIN @IAMN ALI
R/O. VILL- NARAMARI RESERVE
VILL.- DHARAMTUL
DIST- MORIGAON
ASSAM.

4: MUSST. FULU BEGUM @ ALEKJAN
D/O. MD. IMAN HUSSAIN @ IMAN ALI
R/O. VILL- NARAMARI RESERVE
VILL.- DHARAMTUL
DIST- MORIGAON
ASSAM.
VERSUS

THE UNION OF INDIA AND 4 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA
DEPTT. OF HOME AFFAIRS
NEW DELHI.

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF HOME
DISPUR
GHY.-06.

3:THE DY. COMMISSIONER
MORIGAON
P.O. AND P.S. MORIGAON
DIST.- MORIGAON
ASSAM. PIN-

4:THE SUPERINTENDENT OF POLICE (B)
MORIGAON
P.O. AND P.S. MORIGAON
DIST.- MORIGAON
ASSAM. PIN- 782105.

5:THE STATE COORDINATOR
NRC

G.S. ROAD
BHANGAGARH
GUWAHATI-05.

Advocate for : MD. S HUDA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

10-05-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

None appears for the petitioners. Mr. J. Payeng, learned standing counsel, Foreigners Tribunal, Mr. A. Bhuyan, learned standing counsel, Election Commission of India and Ms. L. Devi, learned standing counsel, NRC, are present.

The petitioner Nos.1 & 2 are the husband and wife and the petitioner Nos.3 & 4 are their offsprings, who had been declared as foreigners by judgment & order dated 13.06.2018 passed by the Foreigners' Tribunal No.1, Morigaon, Assam in Misc. Case (Review) No.50/2015 corresponding to F.T. (C) Case No.697/2006 (disposed of).

This is a petition filed by the petitioners against the aforesaid order dated 13.06.2018 passed by the Foreigners' Tribunal No.1, Morigaon, Assam.

Without going into the merit of the case, the admitted position is that the petitioners are in detention since 06.05.2019 and they have already completed two years of their detention.

In consideration of the law laid down by the Hon'ble Supreme Court dated 13.04.2020 in *Suo Motu Writ Petition (Civil) No.1/2020 (In Re: Contagion of Covid 19 virus in prisons)*, which had been followed by a Division Bench of this Court later in *WP(C) (Suo Moto) No.1/2020 (Gauhati High Court -Vs- Union of India & Ors.)* dated 15.04.2020, a detinue is liable to be released after completing two years in detention or his furnishing personal bond of Rs.5,000/- (Rupees Five Thousand) and like amount of two sureties.

We, therefore, direct that the petitioners be released forthwith, if not already released, on their furnishing personal bond and one surety of Rs.5,000/- (Rupees Five Thousand), as directed by the Division Bench of this Court vide order dated 15.04.2020. This shall be subject to the merit of the case, which shall be decided in accordance with law.

List after four weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant