

GAHC010074152026



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

Case No. : WP(C)/3054/2026

SAFURAN NESSA ALIAS SAFURUN NESSA
W/O SIRAJ ALI, VILL. SAFAKAMAR, P.S. BARPETA ROAD, DIST. BARPETA,
ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF
HOME AFFAIRS, SHASTRI BHAWAN, TILOK MARG, NEW DELHI- 01.

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

3:THE DISTRICT COMMISSIONER
BARPETA
P.O. AND P.S. BARPETA
DIST. BARPETA
ASSAM
PIN- 781301.

4:THE SUPERINTENDENT OF POLICE (B)
BARPETA
P.O.
P..S AND DIST. BARPETA
ASSAM
PIN- 781301.

5:THE ELECTION COMMISSION OF INDIA

THROUGH ITS SECRETARY
NIRBACHAN BHAWAN
NEW DELHI-01.

6:THE STATE ELECTION COMMISSION
ASSAM
DISPUR
GUWAHATI-06.

7:THE STATE CO-ORDINATOR

NATIONAL REGISTRATION OF CITIZENS (NRC)
ASSAM
BHANGAGARH
GUWAHATI-05

Advocate for the Petitioner : MR. M MONDAL, MR M CHOUDHURY

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 : --17.06.2026
(*Kalyan Rai Surana, J*)

Heard Mr. M. Mondal, learned counsel for the petitioner. Also heard Ms. R. Baishya, learned counsel appearing on behalf of Ms. S. Katakya, learned Standing Counsel for the Election Commission of India (ECI), Ms. U. Borthakur, the learned counsel appearing on behalf of Sumanth Katakya, learned C.G.C, (DY.S.G.I), Mr. P. Sarmah, learned Additional Senior Government Advocate, as well as Mr. G. Sarma, learned Standing Counsel for the NRC.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 23.12.2025, passed by the learned Member, Foreigners' Tribunal No. 2nd, Barpeta, Assam, in F.T. (2nd) Case

No. 1C/2021, arising out of Reference Police IM(D)T Case No. 1237/B/98, by which the petitioner was declared as an illegal migrant.

3. Let the relevant records be called for from the concerned Foreigners Tribunal by usual process as well as through e-mail at the following e-mail address of the learned Tribunal :-

advbandana@gmail.com

4. Issue notice returnable in 4 (four) weeks.

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

6. The prayer for bail is opposed by the learned standing counsel for the FT matters. Considering the age of the petitioner in this writ petition, this Court is inclined to grant bail to the petitioner, namely, Safuran Nessa @ Safurun Nessa, by providing that if she has not already been detained in custody, she shall not be taken into custody and/or deported from the territory of India, on condition that she shall appear before the Superintendent of Police (Border), Barpeta within 10 (ten) 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), Barpeta 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, whereafter, she shall be allowed to remain on bail.

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

presence.

8. On failure of the petitioner to appear before the Superintendent of Police (Border), Barpeta, the bail to the petitioner would stand lapsed.

9. Let the matter be listed after 4 (four) weeks.

JUDGE

JUDGE

Comparing Assistant