

GAHC010078802026



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

**Case No. : WP(C)/2205/2026**

INTAJ MANDAL ALIAS INTAJ ALI  
S/O- EKTAR ALI MANDAL ALIAS EKTAR MANDAL ALIAS EKTAR ALI,  
VILL.- DOMANI, MOUZA- GOBARHANA, P.O. AND P.S. BARPETA ROAD,  
DIST. BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY  
OF HOME AFFAIRS, SHASTRI BHAWAN, TILAK MARG, NEW DELHI-1.

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

3:THE SUPERINTENDENT OF POLICE (B)  
BARPETA  
ASSAM  
PIN- 781302.

4:THE DISTRICT COMMISSIONER  
BARPETA  
ASSAM  
PIN- 781302.

5:THE ELECTION OFFICER  
BARPETA  
PIN- 781302.

6:THE CHIEF COORDINATOR  
NATIONAL REGISTER OF CITIZEN (NRC)

ASSAM

7:THE ELECTION COMMISSION  
STATE OF ASSAM

8:THE MEMBER  
FOREIGNERS TRIBUNAL NO. 10TH  
BARPETA  
ASSAM  
PRESENTLY LOCATED AT BAJALI  
PATHSALA  
DIST. BAJALI  
ASSAM  
PIN- 781325

**Advocate for the Petitioner** : MR. A ALI,

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

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**  
**HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

**ORDER**

**06.05.2026**

*(S. K. Medhi, J)*

Heard Shri A. Ali, learned counsel for the petitioner. Also heard Ms. A. Verma, learned Standing Counsel, FT & NRC; Ms. S. Katakai, learned Standing Counsel, ECI; Ms. R. B. Bora, learned State Counsel as well as Ms. L. Devi, learned counsel appearing on behalf of Union of India.

**2.** The present application under Article 226 of the Constitution of India has been filed with the following prayer:

*“It is therefore, most respectfully prayed that this Hon'ble Court would graciously be pleased to admit this petition, call for the records and issue Rule calling upon the respondents to show cause as to why:*

*a) a writ of mandamus shall not be issued the thereby directing respondent no.*

*8 to entertain the petition dated 26.03.2026 filed by the petitioner through his son before said Ld. Tribunal No. 10th, Barpeta, Assam presently located at Bajali, Pathsala, Assam and furnish the documents as sought for by the petitioner in the said petition so that the petitioner may have recourse to further remedies as may be permissible under law.*

*b) a writ of mandamus shall not be issued thereby directing the respondent no. 8 to furnish any other documents as may be sought for by the petitioner in connection with FT Case No. 188/2017 which is already part of record but not mentioned in the petition dated 26.03.2026 submitted by the petitioner before said Ld. Tribunal No. 10th, Barpeta, Assam presently located at Bajali, Pathsala, Assam which may be essential for having recourse to further remedies as may be permissible under law.*

*c) Any other appropriate writ or Oder/Direction of the like Nature that may adequately alleviate petitioner's grievances.*

*And after hearing the parties thereof and on perusal of the records, the Rule may be made absolute and or pass such other order/ directions as this Hon'ble Court deems fit and proper in the interest of justice.*

**-AND-**

*It is further respectfully prayed that pending disposal of the petition, this Hon'ble Court may be pleased to pass an ad interim order thereby directing the satte respondnets not to deport the petitioner pursuant to the Order dated 03.03.2022 passed by the Ld. Foreigners Tribunal No. 10th, Barpeta, Assam in connection with F.T Case No 188/2017 in as much as the petitioner still has some remedies to be availed of.*

*And for this act of your kindness, the petitioner as in duty bound shall ever pray."*

**3.** It appears that the petitioner was a proceedee in FT Case No. 188/2017 before the learned Foreigners' Tribunal No. 10, Barpeta. The said proceeding had culminated in an opinion dated 03.03.2022.

**4.** The opinion was put the challenge in WP(C)/2060/2025 which was dismissed on 05.05.2025 and the opinion was upheld.

**5.** It has been projected that thereafter there were change of counsel and certified copies were applied for which have not been furnished. Therefore, the present application has been filed.

**6.** Shri Ali, the learned counsel has submitted that a petition was filed on 26.03.2026 before the Tribunal which was not entertained. He has also submitted that application for certified copy was duly made which have not been furnished.

**7.** On the other hand, Ms. Verma, the learned Standing Counsel has submitted that all these aspects were looked into by this Court in WP(C)/2060/2025 which was dismissed on 05.05.2025. Since no further steps were taken by the petitioner, the opinion had attained finality and the present application is nothing but an abuse of the process.

**8.** The learned counsel for the other respondents have endorsed the submission of Ms. Verma and has prayed for dismissal of the writ petition.

**9.** On perusal of the relief sought for, it appears that there is also an interim prayer not to deport the petitioner pursuant to the order dated 03.03.2022 passed by the learned Tribunal.

**10.** We are however of the opinion that when the order dated 03.03.2022 was upheld by this Court in a contested proceeding in WP(C)/2060/2025, the present approach is nothing but an abuse of the process whereby the same prayer has again sought to be renewed. We are also of the view after passing of the opinion, the Tribunal becomes *functa officio* and therefore, there cannot be any reason for entertaining a petition by the said Tribunal except a petition for review which has to be filed strictly in accordance with law.

**11.** So far as the statement made in the petition that such certified copy was

sought for, we have also noted that such statements have not been verified properly in the affidavit and has been verified as true to records.

**12.** In that view of the matter, we are of the opinion that no case for interference is made out and accordingly, the writ petition is dismissed.

**JUDGE**

**JUDGE**

**Comparing Assistant**