

GAHC010084482026



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

Case No. : WP(C)/2406/2026

MUSSTT MANIKJAN
DAUGHTER OF LATE SABAR ALI, RESIDENT OF VILLAGE- BATOMARI,
P.S.- RUPOHIHAT, DIST.- NAGAON, ASSAM, PIN-782125.

VERSUS

THE UNION OF INDIA AND OTHERS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF HOME AFFAIRS, NEW DELHI.

2:ELECTION COMMISSION OF INDIA
NEW DELHI

3:COORDINATOR

N.R.C.
ASSAM
GUWAHATI

4:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
HOME AND POLITICAL B DEPARTMENT
DISPUR-781006.

5:THE FOREIGNERS TRIBUNAL NO 3
NAGAON
DISTRICT-NAGAON PIN 782001.

6:THE DEPUTY COMMISSIONER
NAGAON
ASSAM
PIN-78

7:THE SUPERINTENDENT OF POLICE (BORDER)

NAGAON
ASSAM
PIN782002

Advocate for the Petitioner : MR. P SARMAH, MR. P SARMAH,R BASUMATARY,MR R CHAKRAVORTY

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

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

ORDER

08.05.2026

(SK Medhi, J.)

Heard Shri R. Chakraborty, learned counsel for the petitioner, who has instituted this writ petition challenging an order dated 10.10.2025 passed by the learned Member, Foreigners' Tribunal No. 3, Nagaon, Assam in F.T. Case No. NFT (No.3) (D) 1201/2016 whereby the petitioner has been declared as a foreigner of post 25th March, 1971.

2. Shri Chakraborty, learned counsel has submitted that there was an earlier opinion dated 22.02.2016 whereby the petitioner was declared as an Indian citizen and despite the same, the impugned opinion has been passed.

3. Let notice be issued, returnable on 10.06.2026.

4. Shri K. Gogoi, learned C.G.C. accepts notice on behalf of the respondent no. 1; Ms. M. Sinha, learned counsel appearing on instructions of Ms. S. Katakey, learned

counsel for the E.C.I. accepts notice on behalf of the respondent no. 2; Shri G. Sarma, learned Standing Counsel, N.R.C. accepts notice on behalf of the respondent no. 3; Ms. A. Verma, learned Standing Counsel, Home and Political accepts notice on behalf of the respondent nos. 4 and 7 whereas Shri P. Sarma, learned State Counsel accepts notice on behalf of the respondent no. 6.

- 5.** No notice is required to be issued on the respondent no. 5.
- 6.** Let extra copies of the writ petition along with its annexures be served upon the learned counsel for the respondents.
- 7.** Call for the records of F.T. Case No. NFT (No.3) (D) 1201/2016 passed by the learned Member, Foreigners' Tribunal No. 3, Nagaon. Registry shall do the needful to requisition the same.
- 8.** Shri Chakraborty, learned counsel for the petitioner has submitted that the petitioner is yet to be arrested and has accordingly prayed for bail.
- 9.** The aforesaid prayer for bail is, however, opposed by the learned counsel for the respondents.
- 10.** Considering the facts projected, the Court is inclined to grant bail to the petitioner, namely, Musstt. Manikjan by providing that if she has not already been detained in custody, she shall not be taken into custody and deported from the territory of India on condition that she shall appear before the Superintendent of Police (Boarder), Nagaon on or before 20.05.2026 during the office hours and shall furnish a bail bond of Rs. 5,000/- (Rupees five thousand) only within 1 (one) surety of the like amount to the satisfaction of the said authority. Further, the Superintendent of Police (Border), Nagaon 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.

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

12. On failure of the petitioner to appear before the Superintendent of Police (Border), Nagaon within stipulated period, the observations made towards grant of bail shall be inoperative.

13. Accordingly, list this case on 10.06.2026.

JUDGE

JUDGE

Comparing Assistant