

GAHC010087142026



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

Case No. : WP(C)/2786/2026

MD. KUTUB ALI
S/O- HARMUJ ALI, R/O- VILL.- CHAKITUP, P.S. NAGAON SADAR, DIST.
NAGAON, ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF POLITICAL AND HOME AFFAIRS, NEW DELHI.

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER OF INDIA
NIRVACHAN BHAWAN
ASHOKA ROAD
NEW DELHI-110001.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE CHIEF ELECTION OFFICER
ASSAM
HOUSEFED COMPLEX
BELTOLA ROAD
GUWAHATI-781006.

5:THE ELECTORAL REGISTRATION OFFICER
KALIABOR SUB-DIVISION
DIST. NAGAON

ASSAM

6:THE DISTRICT COMMISSIONER
-CUM- DISTRICT ELECTION OFFICER-CUM- ELECTORAL REGISTRATION
OFFICER
NAGAON
P.O. AND DIST. NAGAON
ASSAM

7:THE SUPERINTENDENT OF POLICE (BORDER)
NAGAON
P.O. AND DIST. NAGAON
ASSAM

8:THE NATIONAL REGISTER OF CITIZENS (NRC)

OFFICE OF THE STATE COORDINATOR
BHANGAGARH
GUWAHATI
ASSAM
PIN- 781005

Advocate for the Petitioner : MS. G BORAH, MS. M DEKA

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : --01.06.2026

Heard Ms. G. Borah, learned counsel for the petitioner; Ms. R. Devi, learned Central Government Counsel [CGC] for the respondent no. 1; Ms. S. Katakey, learned Standing Counsel, ECI for the respondent no. 2; Ms. A. Verma, learned Standing Counsel, FT, Home & Political Department for the respondent nos. 3 & 7; and Ms. R.B. Bora, learned Government Advocate, Assam for the respondent nos. 5 & 6; Mr. G. Sarmah, learned Standing Counsel, NRC for the respondent no. 8.

2. This writ petition under Article 226 of the Constitution is preferred against an

Order/Opinion dated 20.09.2025, passed by the learned Member, Foreigners Tribunal 1st, Nagaon in F.T. Case no. 156 of 2015 in reference to S.P.[B] Ref no. 382/2015. By the Order/Opinion dated 20.09.2025, the learned Tribunal has declared the petitioner as a foreigner, who has entered into India [Assam] from the specified territory after 25.03.1971.

3. The statements and averments made in the writ petition as well as the contents of the Order/Opinion are perused.

4. The matter would require consideration.

5. The TCR be called for.

6. Issue notice, returnable on 22.07.2026.

7. As except for the respondent no. 4, all the other respondents are represented, the issuance of formal notice to the other respondents is dispensed with. The learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with annexures to Ms. Devi, Ms. Verma, Ms. Katakey, Mr. Sarmah and Ms. Bora, within 2 [two] working days from today.

8. The learned counsel for the petitioner shall furnish a copy of the writ petition along with annexures to Mr. R. Dubey, learned Standing Counsel, State Election Commission for service of notice upon the respondent no. 4, within 2 [two] working days from today.

9. Heard the learned counsel for the parties on the prayer for bail.

10. Having considered the materials on record, this Court is inclined to allow the prayer for bail of the petitioner, though the prayer for bail is opposed by the learned counsel for the respondents. The petitioner is to appear before the Superintendent of Police [Border], Nagaon, within 10 [ten] days from today. On such appearance, the petitioner may be released on furnishing a bond of Rs. 5000/- [Rupees five thousand] with one surety to the

satisfaction of the Superintendent of Police [Border], Nagaon. The Superintendent of Police [Border], Nagaon may also take steps for capturing the finger prints and biometrics of iris of the petitioner's eye balls, if so advised.

11. The name of learned Standing Counsel, ASEC is to be reflected in the respondents' side in the Cause-List.

JUDGE

JUDGE

Comparing Assistant