

GAHC010099552026



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

Case No. : WP(C)/2824/2026

MD. JONAB ALI ALIAS JONAB ALI
S/O- LATE TOFIZ UDDIN SHEIKH, R/O- VILL.- HELAPAKHRI, P.S. AND DIST.
GOALPARA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT. OF INDIA, SHASTRI BHAWAN, TILOK MARG, NEW DELHI,
1

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
TO THE HOME DEPARTMENT
DISPUR
GHY- 6.

3:THE DISTRICT COMMISSIONER
GOALPARA
ASSAM
PIN- 783101.

4:THE SUPERINTENDENT OF POLICE (B)
GOALPARA
ASSAM
PIN- 783101.

5:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI 1

6:THE STATE CO-ORDINATOR OF NRC
ASSAM
HOUSEFED COMPLEX
2ND FLOOR

BANPHOOL NAGAR
DISPUR
GHY- 6

Advocate for the Petitioner : MR. A R SIKDAR, MR. S I TALUKDAR, J A SIKDAR

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
[Manish Choudhury, J.]

Heard Mr. J.A. Sikdar, learned counsel for the petitioner; Ms. R. Devi, learned Central Government Counsel [CGC] for the respondent no. 1; Ms. A. Verma, learned Standing Counsel, FT, Home & Political Department for the respondent nos. 2 & 4; Ms. R.B. Bora, learned Government Advocate, Assam for the respondent no. 3; Mr. A.I. Ali, learned Standing Counsel, ECI for the respondent no. 5; and Mr. G. Sarmah, learned Standing Counsel, NRC for the respondent no. 6.

2. This writ petition under Article 226 of the Constitution is preferred against an Order/Opinion dated 30.12.2022 passed by the learned Member, Foreigners' Tribunal 4th, Goalpara, Assam in F.T. [G-4]M/201/18 [Ref. ERO Case no. 213³¹/₃₇]. By the impugned Order/Opinion dated 30.12.2022, the learned Tribunal has declared petitioner-proceedee as a foreigner who has entered into the territory of 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 learned counsel appearing for the respondents have raised the point of

maintainability of the writ petition on the ground of delay and laches on the premise that there is no satisfactory explanation as regards the period of delay of more than three and half years.

5. The matter would required consideration.

6. Let TCR be called for.

7. Issue notice, returnable on 17.07.2026.

8. As all the respondents are represented, issuance of formal notice in respect of the respondents stand dispensed with. The learned counsel for the petitioner shall serve requisite nos. of extra copies to the learned counsel for the respondents within 2 [two] working days from today.

9. Heard on the prayer of interim relief.

10. The prayer for interim relief is kept open for consideration on the returnable date after receipt of the TCR.

11. List the case on 17.07.2026.

JUDGE

JUDGE

Comparing Assistant