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

Case No. : WP(C)/2845/2026

ASIR ALI @ ASIR UDDIN
S/O-LATE NUR ALI,
R/O-SALMARA, P.O-SALMARA, P.S.-CHAPARMUKH, DIST-NAGAON,
ASSAM.

VERSUS

THE UNION OF INDIA AND ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
DEPARTMENT OF HOME AFFAIRS, NEW DELHI-110001

2:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-11001.

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

4:THE DISTRICT COMMISSIONER
GOLAGHAT
P.O. P.S-GOLAGHAT
ASSAM.

5:THE SUPERINTENDENT OF POLICE (B)
GOLAGHAT
GOLAGHAT
ASSAM.

6:THE STATE CO ORDINATOR

NRC
HOUSEFED COMPLEX
BANPHOOL NAGAR
GUWAHATI-06.

7:MD. NAZRUL ISLAM CHOUDHURY
S/O-HUSSAIN AHMED CHOUDHURY
R/O-BASKANDI
P.O-BASKANDI
P.S.-SILCHAR
DIST-CACHAR
ASSAM. PIN-788101

Advocate for the Petitioner : MD. S HUDA, MR. KHAIRUL ISLAM,MR. N HOQUE,MR. Md. ARIF

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

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

ORDER

Date : 03.06.2026

[Manish Choudhury, J.]

Heard Mr. N. Hoque, learned counsel for the petitioner; Ms. S. Katakey, learned Standing Counsel, ECI for the respondent no. 2; Mr. G. Sharma, learned Standing Counsel, NRC, Home and Political Department for the respondent nos. 3, 5 & 6; and Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the respondent no. 4

2. The petitioner who was the proceedee in the proceedings of the Case no. FTG.1891/2011 [corresponding S.P's Enquiry no. 22/2011] before the Foreigners' Tribunal, Jorhat, has challenged an Order/Opinion dated 04.07.2022, which was passed ex-parte, declaring him to be a foreigner who illegally entered into the territory of India [Assam] after 25.03.1971 as the reference to an unchallenged.

3. It is the case of the petitioner that the notice to appear before the Tribunal was never

served upon the petitioner. On the other hand, the learned counsel for the respondents have submitted that the notice to appear was duly served upon the petitioner on 22.05.2022 by the process server in presence of the Gaonburah and the petitioner-proceedee had also subscribed his signature on the notice.

4. From the Order dated 08.12.2025 passed in W.P.[Crl.] no. 78/2025, preferred by the petitioner, it has emerged that the petitioner and his wife, Diluwara Khatun @ Diluwara Begum were taken into custody on 25.05.2025 pursuant to the ex-parte opinion dated 04.07.2022 passed by the Tribunal in Case no. FTG. 1891/2011 and another ex-parte opinion on the same date passed in Case no. FTG. 1890/2011 and as on 08.12.2025, they were at the holding centre at 7th Assam Police Battalion, Charaikhola, Kokrajhar. It is the submission of Mr. Hoque, learned counsel for the petitioner that the petitioner and his wife are presently lodged in the Detention Centre, Matia.

5. For examination, let the records of Case no. FTG.1891/2011 be called for.

6. List the case on 17.07.2026.

7. Mr. Sharma, learned Additional Senior Government Advocate is to obtain instruction as regards the present location of the petitioner.

8. Till the next date of listing, the petitioner shall not be deported, if not deported, in the meantime.

JUDGE

JUDGE

Comparing Assistant