

GAHC010104462026



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

Case No. : WP(C)/2841/2026

MD ABDUL AZIZ
SON OF LATE ASAN ALI, VILLAGE ITARBHITA, P.S-HOWLY, DISTRICT-
BARPETA, ASSAM, PIN-781316

VERSUS

THE UNION OF INDIA AND OTHERS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT. OF
ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI
PIN - 781006

3:THE DISTRICT COMMISSIONER
BARPETA
DIST- BARPETA
ASSAM
PIN - 781301

4:THE SUPERINTENDENT OF POLICE (B)
BARPETA
ASSAM
PIN - 781301

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI
PIN-110001.

6:THE STATE CO ORDINATOR

NATIONAL REGISTER OF CITIZENS NRC
BHANGAGARH
PIN-781005

Advocate for the Petitioner : P. GHOSH, B DAS,MR. A M AHMED

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

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

ORDER

Date : --03.06.2026

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

2. In this writ petition, assail is made to an Order/Opinion dated 31.03.2026 passed by the Foreigners Tribunal, Bajali in F.T. Case no. 1627/2017. In the Order/Opinion dated 31.03.2026, the Tribunal has held that the petitioner is a foreigner of post 25.03.1971 stream under Section 2[a] of the Foreigners Act, 1946, who illegally entered into the territory of India [Assam] from the specified territory after 25.03.1971 without any valid document.

3. We have gone through the statements and averments made in the writ petition as well as the documents annexed with the writ petition.

4. The matter would require examination.

5. The records of F.T. Case no. 1627/2017 be requisitioned.

6. Issue notice, returnable on 24.07.2026.

7. As Mr. G. Sarmah, learned Standing Counsel, NRC, Home & Political Department has appeared and accepted notices for the respondent nos. 2, 4 & 6; Mr. P. Sharma, learned Additional Senior Government Advocate, Assam has appeared and accepted notice for the respondent no. 3; and Ms. Katakey, learned Standing Counsel, ECI has appeared and accepted notice for the respondent no. 5, formal notices need not be issued to the said respondents. Ms. Das, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Mr. G. Sarmah, Mr. P. Sharma and Ms. Katakey, within 2 [two] working days from today.

8. The learned counsel for the petitioner shall serve a copy of the writ petition along with annexures to Mr. R.K. Deb Choudhury, learned Deputy Solicitor General of India for service of notice upon the respondent no. 1, within 2 [two] working days from today.

9. Heard the learned counsel for the parties also on the interim prayer.

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], Barpeta [the respondent no. 4], 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], Barpeta [the respondent no. 4]. The Superintendent of Police [Border], Barpeta [the respondent no. 4] may also take steps for capturing the finger prints and biometrics of iris of the petitioner's eye balls, if so advised.

JUDGE

JUDGE

Comparing Assistant