

GAHC010105242026



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

Case No. : WP(C)/2869/2026

IKRAM ALI
S/O. AMAL ALI, R/O. VILLAGE BARBALA, MOUZA- BETBARI, P.S.-HOWLY,
BARPETA, DISTRICT - BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, THE
MINISTRY OF HOME AFFAIRS, SHASTRI BHAWAN, TILAK MARG, NEW
DELHI 110001.

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

3:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE STATE ELECTION COMMISSIONER
ASSAM
HOUSEFED COMPLEX DISPUR
GUWAHATI 06

4:THE STATE CO ORDINATOR OF NRC
ASSAM
BHANGAGARH
GUWAHATI -05

5:THE DISTRICT COMMISSIONER
NAGAON
DISTRICT- NAGAON

ASSAM

6:THE SUPERINTENDENT OF POLICE (BORDER)
NAGAON
DISTRICT- NAGOAN
ASSAM

Advocate for the Petitioner : MR R DHAR, MD. A MATLIB,J DAS

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 : --03.06.2026

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

2. In this writ petition, assail is made to an Order/Opinion dated 26.03.2026 passed by the Foreigners Tribunal [1], Bajali in F.T. Case no. 1414/2017. By the Order/Opinion dated 26.03.2026, the Tribunal has recorded that the petitioner-proceedee failed to discharge the burden under Section 9 of the Foreigners Act, 1946 and has declared the petitioner-proceedee as a foreigner of post 25.03.1971 stream under Section 2[a] of the Foreigners Act, 1946 who had illegally entered in 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. 1414/2017 be requisitioned.
6. Issue notice, returnable on 27.07.2026.
7. As Mr. G. Sarmah, learned Standing Counsel, NRC, Home & Political Department has appeared and accepted notices for the respondent nos. 2, 4 & 6; Ms. Katakey, learned Standing Counsel, ECI has appeared and accepted notice for the respondent no. 3; and Mr. P. Sharma, learned Additional Senior Government Advocate, Assam has appeared and accepted notice for the respondent no. 5, formal notices need not be issued to the said respondents. Mr. Dhar, 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], Bajali, 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], Bajali. The Superintendent of Police [Border], Bajali 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