

GAHC010106242026



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

Case No. : WP(C)/2854/2026

MS JALMALI BEGUM ALIAS JALMALI BEWA
W/O LATE MATLEB ALI SARDAR, D/O LATE JALU SHEIKH, VILLAGE-
BARJHAR BAGICHA, P.O. BHAKATPARA, P.S.- KALAIGAON, DISTRICT-
UDALGURI (BTR), ASSAM, INDIA, PIN- 784190

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 06

3:THE DISTRICT COMMISSIONER
DARRANG
DISTRICT- DARRANG
ASSAM
PIN- 784147

4:THE ELECTION COMMISSION OF INDIA
NEW DELHI- 110001

5:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
GUWAHATI- 781005

6:THE SUPERINTENDENT OF POLICE (B)
DARRANG
MANGALDAI
DISTRICT- DARRANG
ASSAM
PIN- 78412

Advocate for the Petitioner : MR H R A CHOUDHURY, J M SULAIMAN

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. J.M. Sulaiman, learned counsel for the petitioner; Mr. G. Sarmah, learned Standing Counsel, NRC, Home & Political Department for the respondent nos. 2, 5 & 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. 4.

2. In this writ petition, assail is made to an Order/Opinion dated 26.11.2025 passed by the Foreigners Tribunal [1], Mangaldai, Darrang in F.T. Case no. 140/08. In the Order/Opinion dated 26.11.2025, the Tribunal has held the petitioner-proceedee as a foreigner/illegal migrant who had entered India [Assam] on or after 25.03.1971 as the petitioner-proceedee had failed to discharge her burden of proof as envisaged under Section 9 of the Foreigners Act, 1946.

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. 140/08 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, 5 & 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. 4, formal notices need not be issued to the said respondents. Mr. Sulaiman, 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], Darrang, Mangaldai [the respondent no. 6], 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], Darrang, Mangaldai [the respondent no. 6]. The Superintendent of Police [Border], Darrang, Mangaldai [the respondent no. 6] 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