

GAHC010112842026



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

Case No. : WP(C)/3097/2026

MOYMUN NESSA
DAUGHTER OF LATE HOBIB ALI (FATHER) AND SMTI. PROTINGA KHATUN
@ PRATINGA KHATUN @ PRATINGA BIBI (MOTHER) RESIDENT OF
VILLAGE SINGARIA, P.S. NILAMBAZAR DISTRICT SRIBHUMI (FORMERLY
KARIMGANJ), ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, SHASTRI BHAWAN, NEW DELHI - 110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT
OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI - 781006.

3:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOK ROAD
NEW DELHI
PIN-110001.

4:THE DISTRICT COMMISSIONER CUM ELECTION OFFICER
SRIBHUMI (FORMERLY KARIMGANJ)
DISTRICT SRIBHUMI
ASSAM
PIN - 788710.

5:THE SUPERINTENDENT OF POLICE (BORDER)

DISTRICT SRIBHUMI
ASSAM
PIN - 788710.

6:THE STATE CO ORDINATOR OF NATIONAL REGISTER OF CITIZENS
(NRC)
ASSAM BHANGAGARH
GUWAHATI-05.

7:THE MEMBER
FOREIGNERS TRIBUNAL- III
SRIBHUMI (FORMERLY KARIMGANJ)
ASSAM
PIN -788710

Advocate for the Petitioner : MR. N H BARBHUIYA, MS. N.A. LASKAR,MS. S. DEY

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

15.06.2026

(K.R. Surana, J)

Heard Mr. N.H. Barbhuiya, learned counsel for the petitioner as well as Mr. J. Payeng, learned standing counsel for the Foreigners Tribunal and NRC, Mr. N. Kalita, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the Election Commission of India, Mr. D.J. Das, learned CGC, and Mr. P. Sarmah, learned Addl. Senior Govt. Advocate.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 07.02.2024, passed by the learned Member, Foreigners Tribunal (3rd), Karimganj in F.T. 3rd Case No.107/17 (Old F.T. Case No. 70/12) corresponding to Police Enquiry No. D/6548/98, by which the petitioner was declared as an illegal migrant of post

25.03.1971 stream on failure to appear for cross-examination and subsequent default.

3. The learned counsel for the petitioner has submitted that the petitioner relies on the opinion dated 06.11.2017 passed by the learned Member, Foreigners Tribunal-III, Karimganj in F.T. Case No. 1370/2016 (Old F.T. Case No.71/12) corresponding to Police Enquiry No. D/6547/98, by which her projected brother was declared to be an Indian.

4. Issue notice returnable on 31.07.2026.

5. Requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.

6. Let the relevant records of F.T. 3rd Case No. 107/17 (Old F.T. Case No. 70/12) and F.T. Case No. 1370/2016 (Old F.T. Case No.71/12) be called for from the concerned Foreigners Tribunal by usual process as well as by email at the following email addresses:

(i) ft3karimganj@gmail.com

(ii) 64dhiraj@gmail.com

6. The prayer for bail shall be considered on receipt of the records from the learned Tribunal.

7. In the meantime, if the petitioner, namely, Moymun Nessa is apprehended, she shall not be deported out of the Country without order of the Court.

8. The petitioner shall cause production of a certified copy of this order before the Superintendent of Police (Border), Karimganj to bring the order to the notice of the said authority.

9. List the matter on 31.07.2026.

JUDGE

JUDGE

Comparing Assistant