

GAHC010116842019



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

**Case No. : WP(C)/3563/2019**

MANJU BEGUM BARBHUIYA  
D/O- LATE JOYAD ALI, W/O- FATAH AHMED, R/O- VILL- MEHERPUR,  
ALITIKAR, P.S AND P.S- SILCHAR, DIST- CACHAR, ASSAM, PIN-

VERSUS

THE UNION OF INDIA AND 5 ORS  
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MIN OF HOME  
AFFAIRS, NEW DELHI

2:THE STATE OF ASSAM  
REP.. BY THE COMMISSIONER AND SECRETARY  
GOVT OF ASSAM  
HOME DEPTT AND POLITICAL DEPTT  
DISPUR  
GUWAHATI- 06

3:THE ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN  
ASHOKA ROAD  
NEW DELHI- 110001

4:THE OFFICE OF THE STATE COORDINATOR NRC  
ASSAM  
1ST FLOOR  
ACHYUT PLAZA  
GS ROAD  
BHANGAGARH  
GUWAHATI- 05  
DIST- KAMRUP  
ASSAM  
PIN- 781005

5:THE DEPUTY COMMISSIONER  
CACHAR  
P.O AND P.S- SILCHAR  
ASSAM  
PIN

6:THE SUPERINTENDENT OF POLICE(B)  
CACHAR  
SILCHAR  
DIST- CACHAR  
ASSAM  
PIN

**Advocate for the Petitioner** : MR. B P SINHA  
**Advocate for the Respondent** : ASSTT.S.G.I.

**BEFORE**

**HON'BLE MR. JUSTICE N. KOTISWAR SINGH**  
**HON'BLE MR. JUSTICE MANISH CHOUDHURY**  
**ORDER**

**06-10-2021**

[N. Kotiswar Singh, JJ]

Heard Mr. F.Z. Mazumder, learned counsel for the petitioner. Also heard Ms. L. Devi, learned counsel appearing on behalf of Mr. R.K. Dev Choudhury, learned Asstt. SGI appearing for respondent No.1 as well as appearing as Standing Counsel, NRC for respondent no. 4; Mr. J. Payeng, learned Special Counsel, F.T. appearing for respondent Nos.2 & 6; Mr. A. Bhuyan, learned Standing Counsel, ECI, appearing for respondent No.3 and Ms. U. Das, learned State Counsel, Assam, appearing for the respondent no.5.

Issue notice, returnable within 4(four) weeks.

No formal steps are called for in respect of the respondents, as they are duly represented. However, extra copies be furnished to learned counsel appearing for the respondents.

Registry will call for the records in respect of FT(D) Case No. 1545/2011 corresponding to Ref. I/C Case No.4245/1998 from the Foreigners Tribunal (1<sup>st</sup>), Cachar, Silchar, Assam.

Learned counsel for the petitioner submits that the petitioner has not yet been detained on the strength of the impugned order dated 28.02.2019 passed in FT(D) Case No. 1545/2011 corresponding to Ref. I/C Case No.4245/1998 from the Foreigners Tribunal (1<sup>st</sup>), Cachar, Silchar, Assam.

In that view of the matter, in the meantime, the petitioner, if not already arrested, may not be arrested. However, the petitioner shall appear before the Superintendent of Police (Border), Cachar within 15(fifteen) days from today, who may obtain necessary information and documentation as required under the rules from the petitioner for securing her presence. On such appearance, the petitioner shall furnish a bail bond of Rs. 5,000/- (Rupees five thousand) with one local surety of the like amount to the satisfaction of the said authority, whereafter, the petitioner shall be allowed to remain on bail. The concerned Superintendent of Police (Border), Cachar, shall also take steps for capturing the fingerprints of both hands and biometrics of the iris of the petitioner. The petitioner also shall not leave the jurisdiction of Cachar district without furnishing the details of the place of destination and necessary information including contact number to the Superintendent of Police (Border), Cachar.

List the matter immediately after receipt of records.

**JUDGE**

**JUDGE**

**Comparing Assistant**