

GAHC010119052026



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

**Case No. : WP(C)/3153/2026**

TAHIRAN NESSA  
D/O. TARAB ALI, W/O. MD ASURUDDIN, R/O. JOYPUR, MOUZA-  
GHILAJARI, P.S. HOWLY, DISTRICT- BARPETA, ASSAM.

VERSUS

THE UNION OF INDIA AND 5 ORS  
THROUGH -THE SECRETARY, TO THE GOVERNMENT OF INDIA, THE  
MINISTRY OF HOME AFFAIRS, GRIHA MANTRALAYA, NEW DELHI.

2:THE STATE OF ASSAM

THROUGH -THE SECRETARY  
TO THE GOVERNMENT OF ASSAM  
HOME DEPARTMENT  
DISPUR  
GUWAHATI - 6.

3:THE ELECTION COMMISSION OF INDIA  
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER OF INDIA  
NIRVACHAN SADAN  
ASHOKA ROAD  
NEW DELHI - 110 001.

4:THE STATE CO-ORDINATOR

NATIONAL REGISTRATION OF CITIZEN  
ASSAM  
BHANGAGARH  
GUWAHATI - 781005.

5:THE DISTRICT COMMISSIONER

BARPETA  
P.O. BARPETA  
DISTRICT- BARPETA  
ASSAM  
PIN - 781301.

6:THE SUPERINTENDENT OF POLICE (BORDER)

BARPET  
P.O. BARPETA  
DISTRICT- BARPETA  
ASSAM  
PIN- 781301

**Advocate for the Petitioner** : MR. F A HASSAN, MS. S. CHANDA

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

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

**ORDER**

**Date : 17.06.2026**  
(K.R. Surana, J)

Heard Mr. F.A. Hassan, learned counsel for the petitioner. Also heard Ms. U. Borthakur, learned counsel appearing on behalf of Mr. S. Kakoti, learned CGC; Mr. J. Payeng, learned standing counsel for the FT and Border matters; Ms. S. Katakey, learned standing counsel for the ECI; and Ms. R.B. Borah, learned Govt. Advocate for the State respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 29.12.2025, passed by the learned Member, Foreigners' Tribunal, Bajali, in F.T. Case No. 1331/2017, arising out of IM(D)T Case No. 1148/02, by which the petitioner was

declared as an illegal migrant of post 25.03.1971 stream.

3. Issue notice returnable in 4 (four) weeks.
4. Requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.
5. Let the relevant records be called for from the concerned Foreigners Tribunal by email at the following email addresses:

ft10barpeta@gmail.com

sgogoi.adv@gmail.com

6. The prayer for bail is opposed by the learned standing counsel for the FT matters. However, in view of the projection made in this writ petition, the Court is inclined to grant bail to the petitioner, namely, Tahiran Nessa, by providing that if she has not already been detained in custody, she shall not be taken into custody and deported from the territory of India, on condition that she shall appear before the Superintendent of Police (Border), Barpeta within 10 (ten) days from today during the office hours and shall furnish a bail bond of Rs. 5,000/- (Rupees five thousand only) with one solvent surety of the like amount to the satisfaction of the said authority. Further, the Superintendent of Police (Border), Barpeta is directed that on appearance of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, whereafter, she shall be allowed to remain on bail.

7. On her appearance before the Superintendent of Police (Border), Barpeta, as directed above, the said authority shall obtain necessary information

and documentation as required under the Rules from the petitioner for securing her presence.

8. On failure of the petitioner to appear before the Superintendent of Police (Border), Barpeta, the bail to the petitioner would stand lapsed.

9. List the matter after 4 (four) weeks and/or on receipt of the Tribunal records.

**JUDGE**

**JUDGE**

**Comparing Assistant**