

GAHC010141312019



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

Case No. : WP(C) 4304/2019

1: BASATON NESSA @ BACHATAN NECHA
W/O. MD. ANOWAR HUSSAIN, D/O- BATCHU MIYA, R/O- VILLAGE- PURAN
KUCHIA, P/S- CHAYGAON, DIST- KAMRUP(R), ASSAM. PIN -781124.

VERSUS

1: THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT. OF INDIA, NEW DELHI-01.

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

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

4: THE DEPUTY COMMISSIONER
KAMRUP
P/O- AMINGAON
DIST- KAMRUP
ASSAM
PIN- 781031.

5: THE SUPERINTENDENT OF POLICE (BORDER)
KAMRUP
P/O- AMINGAON
DIST.- KAMRUP

ASSAM
PIN- 781301.

6:THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZEN
ASSAM
BHANGAGARH
GUWAHATI-05

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 19.08.2019
(Manojit Bhuyan, J)

Heard Mr. A.R. Sikdar, learned counsel for the petitioner as well as Ms. G. Hazarika, learned counsel appearing for respondent no.1, Mr. J. Payeng, learned counsel for respondent nos.2 & 5, Ms. A. Borgohain, learned counsel for respondent no.3 and Ms. U. Das, learned senior counsel for respondent no.6.

List for Motion again on 04.10.2019, as we propose to examine the case records at the first instance.

Office to requisition the case records in respect of G.F.T.(R) Case No.991/2017 from the office of the Foreigners' Tribunal No.1, Kamrup (Rural) No.1.

A copy of this order requisitioning the case records and the Forwarding Letter by which the case records are sent to this Court be made part of the record file of the Tribunal.

This order be brought to the notice of the Registrar (Judicial).

As an interim measure, the petitioner Basaton Nessa shall not be taken into custody and deported from the territory of India, subject to the condition that he shall appear before the Superintendent of Police (Border), Kamrup, within 15 (fifteen) days

from today and furnish a bail bond of Rs.5,000/- with one local surety of the like amount to the satisfaction of the said authority. A direction is also made to the Superintendent of Police (Border), Kamrup that as and when the petitioner appears within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and photograph of the petitioner shall be obtained, whereafter she shall be allowed to remain on bail.

JUDGE

JUDGE

Comparing Assistant