

GAHC010142382026



undefined

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

Case No. : WP(C)/3658/2026

SABIA BIBI
W/O ISOB ALI MONDAL ALIAS ESA ALI MONDAL ALIAS ISAB ALI
MANDAL, D/O HOSSEN ALI ALIAS HOSSEN ALI SHEIKH ALIAS MD.
HOSSEN ALI, R/O VILLAGE UJANPETLA PART-I P.S. GOLAKGANJ,
DISTRICT DHUBRI, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE MINISTRY OF HOME DEPARTMENT, NEW DELHI
110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR GUWAHATI 781006

3:THE DEPUTY COMMISSIONER
DISTRICT- DHUBRI ASSAM

4:THE SUPERINTENDENT OF POLICE (B)
DHUBRI
ASSAM

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI 110001

6:THE NATIONAL REGISTRAR OF CITIZENS STATE CO ORDINATOR
ASSAM

BHANGAGARH
GUWAHATI 78100

Advocate for the Petitioner : MS. R CHOUDHURY, MR. Z. HUSSAIN, MS. B. HAZARIKA, S E MURTAZA

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 MR. JUSTICE PRANJAL DAS

ORDER

Date : 17.07.2026
(K.R. Surana, J)

Heard Mrs. R. Choudhury, learned senior counsel, assisted by Ms. S. Ahmed, learned counsel for the petitioner. Also heard Mr. S.K. Singh, learned CGC; Mr. J. Payeng, learned standing counsel for the FT and Border matters; Ms. S. Katakey, learned standing counsel for the ECI; and Mrs. R.B. Bora, 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 24.04.2026, passed by the learned Member, Foreigners' Tribunal (2nd), Dhubri, in F.T. Case No. 420/THT/17, arising out of Police Ref. IMDT Case No. 6104/98, 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 address:

alokeshnrbaruah@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, Sabia Bibi, 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), Dhubri 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), Dhubri 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), Dhubri, 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), Dhubri, 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