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

Case No. : WP(C)/3684/2026

HASNA BIBI ALIAS HASNA KHATUN
D/O LT KARIM SHEIKH ALIAS KARIM BOX SHEIKH ALIAS KARIM
BAKSHA SHEIKH, W/O MONSER ALI, R/O VILL-UJANPETLA PT II, P.O.
UJANPETLA, P.S. TAMARHAT, DIST DHUBRI, ASSAM, PIN 783332

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT OF INDIA, SHASTRI BHAWAN, TILOK MARG, NEW DELHI
01

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GHY 06

3:THE DISTRICT COMMISSIONER
DHUBRI
P.O. DHUBRI
DIST DHUBRI
ASSAM
PIN 783301

4:THE SUPERINTENDENT OF POLICE
(BORDER)
DHUBRI
P.O. DHUBRI
DIST- DHUBRI
ASSAM

PIN 783301

5:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI
01

6:THE STATE CO ORDINATOR
NRC
ASSAM
BHANGAGARH
GHY 05

7:THE ELECTORAL REGISTRATION OFFICER
35 GOLAKGANJ LAC
DIST- DHUBRI
ASSAM
PIN 78330

Advocate for the Petitioner : MR. M R KHANDAKAR,

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 Mr. M.R. Khandakar, 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; Mr. N. Kalita, learned counsel appearing on behalf of Mr. A.I. Ali, 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 06.01.2026,

passed by the learned Member, Foreigners' Tribunal (2nd), Dhubri, in F.T. Case No. 324/THT/17, arising out of Police Ref. IM(D)T Case No. 404/98, by which on wilful absenting of the petitioner in the proceedings, the petitioner was declared as an illegal migrant of post 25.03.1971 stream.

3. Issue notice returnable on 03.08.2026.
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, Hasna Bibi @ Hasna Khatun, 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 on 03.08.2026 along with the Tribunal records.

JUDGE

JUDGE

Comparing Assistant