

GAHC010148092022



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

Case No. : WP(C)/5241/2022

RABINDRA DEBNATH @ ROBIN DEBNATH
S/O- LATE JAGABANDHU DEBNATH,
R/O- NO. 1 MOHMARI GAON,
P.O. AND P.S. DULIAJAN,
DIST.- DIBRUGARH, ASSAM.
PIN- 786602.

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, DEPTT. OF
HOME AFFAIRS, NEW DELHI.

2:STATE OF ASSAM
REPRESENTED BY SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF HOME AFFAIRS
DISPUR
GUWAHATI-6.

3:ELECTION COMMISSION OF INDIA
REPRESENTED BY THE COMMISSIONER
NIRBACHAN SADAN
NEW DELHI.

4:STATE COORDINATOR OF NATIONAL REGISTRATION (NRC)
ASSAM
1ST FLOOR
ACHYUT PLAZA
GUWAHATI-SHILLONG ROAD
BHANGAGARH
GUWAHATI
ASSAM- 781005.

5:THE MEMBER
FOREIGNERS TRIBUNAL
DIBRUGARH-2
DIST.- DIBRUGARH
ASSAM.

6:THE SUEPRINTENDENT OF POLICE (BORDER)
DIBRUGARH
DIST.- DIBRUGARH
ASSAM.

7:THE DEPUTY COMMISSIONER
DIBRUGARH
ASSAM
DIST.- DIBRUGARH
ASSAM

Advocate for the Petitioner : MR. B J MUKHERJEE

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

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

12-08-2022

(M.R.Pathak, J)

Heard Mr. B J Mukherjee, learned counsel for the petitioner and Ms. S Baruah, learned CGC for the respondent No. 1. Also heard Ms. A Verma, learned Standing counsel, Foreigners' Tribunal, Assam for the respondent Nos. 2, 5 & 6; Mr. A Bhuyan, learned Standing counsel, Election Commission of India for the respondent No. 3; Ms. L Devi, learned Standing counsel, NRC, Assam for the respondent No. 4 and Ms. K Phukan, learned Government Advocate, Assam for the respondent No. 7.

By the impugned order/opinion dated 11.04.2022 passed by the learned Member, Foreigners' Tribunal, Dibrugarh 2nd, Dibrugarh in F.T.C. No. 1962/2006, the petitioner was declared to be a foreigner under the Foreigners Act, 1946 read with Section 6A of the

Citizenship Act, 1955 who had entered into India (Assam) from the specified territory of Bangladesh on or after 25.03.1971.

Being aggrieved with the same, the petitioner has preferred this writ petition.

It is submitted by the petitioner that as on date, he has not been taken into custody in terms of the impugned order/opinion dated 11.04.2022, noted above.

Issue notice, returnable by **4 (four) weeks**.

As Ms. S Baruah, learned CGC; Ms. A Verma, learned Standing counsel, Foreigners' Tribunal, Mr. A Bhuyan, learned Standing counsel, Election Commission of India and Ms. L Devi, learned Standing counsel, NRC, Assam and Ms. K Phukan, learned Government Advocate, Assam have accepted notices on behalf of the respondent Nos. 1; 2, 5 & 6; 3; 4 and 7 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition including the Annexures appended thereto, to Ms. S Baruah, Ms. A Verma, Mr. A Bhuyan, Ms. L Devi and Ms. K Phukan by 16.08.2022, obtaining necessary acknowledgements from them in that regard.

Call for the records of F.T.C. No. 1962/2006 from the Office of the learned Member, Foreigners' Tribunal, Dibrugarh 2nd, Dibrugarh, Assam.

If in the meanwhile the petitioner has not been taken into custody pursuant to the impugned order/opinion dated 11.04.2022, noted above, he shall appear before the Superintendent of Police (Border), Dibrugarh, Assam **on or before 02.09.2022 during the office hours between 10:00 am to 4:30 pm**, who shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence. On his such appearance, the petitioner shall furnish a bail bond of Rs. 5,000/- with one local surety of the like amount to the satisfaction of the said authority. Thereafter, the petitioner shall be allowed to remain on bail.

On such appearance of the petitioner, the SP (Border), Dibrugarh shall take necessary steps for capturing the fingerprints of his both hands and biometrics of the iris of his both eyes.

It is also made clear that without giving full details of the petitioner's new address

and/or destination before the Superintendent of Police (Border), Dibrugarh, Assam and without obtaining any prior written permission from the said authority, the petitioner shall not leave the jurisdiction of said SP (Border), Dibrugarh, Assam.

Registry shall inform the Superintendent of Police (Border), Dibrugarh, Assam about this order forthwith.

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

List accordingly.

JUDGE

JUDGE

Comparing Assistant