

GAHC010156502025



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

Case No. : WP(C)/4111/2025

MD. RABIUL HUSSAIN @ RABIUL HOQUE @ MD. RABIYAL HOQUE
S/O LATE TOMEJ UDDIN, R/O VILL- LAKHIPUR, P.S.- KACHUMARA, DIST-
BARPETA (ASSAM)

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT. OF INDIA, SHASTRI BHAWAN, TILOK MARG, NEW DELHI-
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2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
DISPUR
GUWAHATI-6

3:THE DISTRICT COMMISSIONER OF BARPETA
P.O. AND DIST- BARPETA
ASSAM
PIN-781301

4:THE SUPERINTENDENT OF POLICE (BORDER)
BARPETA
P.O. AND DIST- BARPETA
ASSAM
PIN-781301

5:THE ELECTION COMMISSIONER OF INDIA

NEW DELHI-1

6:THE STATE CO-ORDINATOR OF NRC OF ASSAM
BHANGAGARH
GUWAHATI-

Advocate for the Petitioner : MD A ALI, MR N ISLAM

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 30.07.2025
(R. Mazumdar, J)

Heard Mr. A. Ali, learned counsel for the petitioner. Also heard Mr. M.R. Adhikari, learned CGC; Ms. A. Verma, learned standing counsel for the FT matters and NRC; Mr. M. Islam, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the ECI; and Mr. P. Sarmah, learned Additional Senior 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 24.02.2025, passed by the learned Member, Foreigners' Tribunal, Kamrup (Rural) No.1 in GFT(R) Case No. 842/2017, arising out of Ref. IM(D)T Case No. 1239/2002, by which the petitioner was declared as an illegal migrant.

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 usual process as well as by email at the following email address:

ftkamruprural01@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, Md. Rabiul Hussain @ Rabiul Hoque @ Md. Rabiyl Hoque, by providing that if he has not already been detained in custody, he shall not be taken into custody and deported from the territory of India, on condition that he 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, he shall be allowed to remain on bail.

7. On his 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 his 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