

GAHC010158332025



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

Case No. : W.P.(Crl.)/52/2025

MATIBUR RAHMAN
S/O ABDUL KARIM, VILL- NAHAR GAON, P.O. AND P.S.- DOBOKA, DIST-
HOJAI (ASSAM), PIN-782435

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, SASTRI BHAWAN, NEW DELHI-110001

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

3:THE DISTRICT COMMISSIONER
HOJAI
ASSAM
PIN-782435

4:THE SUPERINTENDENT OF POLICE (B)
HOJAI
ASSAM
PIN-782435

5:THE OFFICER-IN-CHARGE
DOBOKA POLICE STATION
DOBOKA
HOJAI
ASSAM

PIN-78243

Advocate for the Petitioner : MR. T A CHOUDHURY,

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

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

ORDER

Date : 04.08.2025

(R. Mazumdar, J)

Heard Mr. T.A. Choudhury, 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; and Mr. P. Sarmah, learned Additional Senior Govt. Advocate for respondent.

2. The learned counsel petitioner has submitted that the mother of the petitioner namely, Musstt. Pariskar Begum, has been taken into custody on 24.05.2025, and since then her whereabouts are unknown. Accordingly, this writ petition has been filed under Article 226 of the Constitution of India.

3. From the materials available on record, it appears that earlier, the mother of the petitioner had been declared to be a foreigner of post 25.03.1971 stream by an opinion rendered on 25.07.2017, and she had challenged the same by filing WP(C) No. 5519/2017.

4. Upon consideration, this Court had remanded the matter back to the learned Tribunal by order dated 26.02.2019, and thereafter, a fresh opinion was rendered on 26.04.2019, upholding the earlier opinion regarding the nationality of the mother of the petitioner. The mother of the petitioner was thereafter kept in the detention centre. On the basis of the orders passed by the Hon'ble Apex

Court in WP(C) No. 1045/2018, mother of the petitioner was released on bail with certain conditions. However, on 24.05.2025, upon her appearance before the Hojai Police Station, she was detained and her whereabouts are unknown.

5. We request the learned standing counsel for the FT matters to obtain information about the place where the mother of the petitioner is presently lodged, if not already deported and if the mother of the petitioner has been deported she shall provide information as to the place from which the mother of the petitioner was deported and the manner of deportation.

6. The learned standing counsel for the FT matters is permitted to send a downloaded copy of this order to the concerned authorities to enable her to obtain information and inform the Court accordingly.

7. It has been submitted that copies of the writ petition had not been served to the learned standing counsel for the FT matters. Accordingly, learned counsel for the petitioner undertakes to supply extra copies of the writ petition to the learned standing counsel for the FT matters within the course of the day.

8. List on 11.08.2025.

JUDGE

JUDGE

Comparing Assistant