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

Case No. : WP(C)/5727/2025

SAMSUN NEHAR
D/O- LATE DERAJ SHEIK @ DERAJ,
W/O- HAZRAT ALI,
R/O- VILLAGE KHATARTARI, P.S- KALGACHIA, DIST- BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND OTHERS
REP. BY THE SECRETARY TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, SASTRI BHAWAN, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-110001

4:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S ROAD.
BHANGAGARH
GUWAHATI-05
DIST- KAMRUP (M)

5:THE DISTRICT COMMISSIONER
BARPETA
ASSAM
PIN-781301

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
ASSAM
PIN-781301

7:THE OFFICER IN CHARGE
KALGACHIA POLICE STATION
BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR. S. K. CHAKMA, MR. D K AGARWALA,MS A HUSSAIN,MR A.K. HAJONG,MR I CHAKMA,MS N DEKA,MS. D GHOSH

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

24.09.2025

(K.R. Surana, J)

Heard Mr. A.K. Hajong, learned counsel for the petitioner as well as Ms. A. Verma, learned standing counsel for the Foreigners Tribunal, Mr. M. Islam, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the Election Commission of India, Mr. H. Gupta, learned CGC and Mr. P. Sharma, learned Addl. Senior Govt. Advocate.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 18.02.2025, passed by the learned Member, Foreigners Tribunal No. 5th, Barpeta, Assam, in

Case No. FT (5th) 613/2017, arising out of Reference IM(D)T Case No. 371/B/98 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:

ft5thbarpeta @gmail.com

6. The learned counsel for the petitioner has prayed for bail which is opposed by the learned standing counsel for the FT matters. However, in view of the projection made in this writ petition, as well as considering the age of the petitioner, the Court is inclined to grant bail to the petitioner, namely, Samsun Nehar 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), 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, she shall be allowed to remain on bail.

7. On her 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 her 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 upon receipt of the records.

JUDGE

JUDGE

Comparing Assistant