

GAHC010167992019



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

**Case No. : WP(C)/5175/2019**

AMINA BEGUM @ AMINA KHATUN @ AMINJAN BIBI  
W/O- IBRAHIM ALI, D/O-LATE ACHARUDDIN ALI @ AFSOR ALI @  
ACHARUDDIN, VILL- DIMLAPAR, P.S- TAMULPUR, DIST- BAKSA, BTAD,  
ASSAM

VERSUS

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

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

3:THE DIRECTOR GENERAL OF POLICE (ADMN)  
ASSAM  
ULUBARI  
GUWAHATI- 07

4:THE DEPUTY COMMISSIONER OF POLICE (B)  
BAKSA  
BTAD  
ASSAM

5:THE SUPERINTENDENT OF POLICE (B)  
BAKSA  
DIST- BAKSA  
BTAD  
ASSAM

6:ELECTION COMMISSIONER OF INDIA  
NEW DELHI- 01

7:COORDINATOR  
NRC  
ASSAM  
ACHYUT PLAZA  
BHANGAGARH  
GHY- 0

**Advocate for the Petitioner** : MR. K MIRA, MR S HUSSAIN

**Advocate for the Respondent** : ASSTT.S.G.I., MR. A A MONDAL,SC, F.T,SC, ELECTION  
COMMISSION.,SC, NRC

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

**ORDER**

**23.07.2025**

(K.R. Surana, J)

Heard Mr. S. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned CGC, Mr. H. Kuli, learned counsel appearing on behalf of Mr. A.I. Ali, learned standing counsel for the ECI, Ms. A. Verma, learned standing counsel for the FT Matters, and Mr. P. Sarmah, learned Additional Senior Govt. Advocate for the State.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 27.05.2019, passed by the learned Member, Foreigner's Tribunal, Baksa, Tamulpur, Assam in F.T. Case No. 94/Baksa/2017, corresponding to S.P.(B) Nalbari Reference IM(D)T Case No. 1788/2003, by which the petitioner was declared as an illegal migrant.

3. The learned counsel for the petitioner has submitted that by way of an

affidavit she has brought on record an opinion dated 05.11.2020, passed by the learned Member, Foreigner's Tribunal, Baksa, Tamulpur, in F.T. Case No. 350/Baksa/2017, arising out of IM(D)T Case No. 2028/2003, thereby the proceedee therein, whom she claims to be her brother, has been held to be not a foreigner.

4. Issue notice returnable on 27.08.2025.

5. Requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.

6. The Registry shall call for both the records of (1) F.T. Case No. 94/Baksa/2017, corresponding to S.P.(B) Nalbari Reference IM(D)T Case No. 1788/2003 and (2) F.T. Case No. 350/Baksa/2017, arising out of IM(D)T Case No. 2028/2003, from the learned Member, Foreigners Tribunal, Baksa, Tamulpur, Assam.

7. The Requisition shall be sent by usual process as well as through email to the following email address of the said learned Tribunal:-

sarmabimal1973@gmail.com

8. The prayer for bail shall be considered on receipt of both the records from the concerned Tribunal.

9. In the meanwhile, if the petitioner, namely, Amina Begum @ Amina Khatun @ Aminjan Bibi, is apprehended, she shall not be deported out of the Country without the order of this Court.

10. List the matter on 27.08.2025 and/or on receipt of the Tribunal records.

**JUDGE**

**JUDGE**

**Comparing Assistant**