

GAHC010168752025



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

Case No. : WP(C)/5172/2025

CHAGBAR ALI @ MD CHAKBAR ALI
S/O LATE JANADDI SHEIKH, R/O VILL- KACHUARKHAS PART-I, P.O.-
DHARMASALA, P.S. AND DIST- DHUBRI, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
HOME AFFAIRS, NEW DELHI-110001

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTORAL OFFICER
ASSAM
DISPUR
GHY-06

3:THE REGISTRAR GENERAL OF INDIA
REPRESENTED BY THE STATE CO-ORDINATOR
NRC
ASSAM
ULUBARI
GHY-05

4:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GHY-06

5:THE DIRECTOR GENERAL OF POLICE (ADMINISTRATION)
ASSAM

ULUBARI
GHY-07

6:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
P.O.
P.S. AND DIST- DHUBRI
ASSAM
PIN-783301

7:THE SUPERINTENDENT OF POLICE (B)
DHUBRI
ASSAM
P.O.
P.S. AND DIST- DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR. A RAHMAN,

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

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

ORDER

Date : 05.09.2025
(R. Mazumdar, J)

Heard Mr. A. Rahman, learned counsel for the petitioner. Also heard Mr. D.J. Das, learned CGC; Ms. A. Verma, learned standing counsel for the FT matters and NRC; Ms. N. Bedi, learned counsel appearing on behalf of Ms. P. Barua, 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 *ex parte* opinion dated 27.06.2024, passed by the learned Member, Foreigners' Tribunal No.1, Dhubri, in

F.T. Case No. 2815/D/11, arising out of Ref. IM(D)T Case No. 616/2000, by which the petitioner was declared as an illegal migrant of post 25.03.1971 stream.

3. Issue notice returnable on 22.10.2025.

4. Since all the respondents are represented, issuance of formal steps is dispensed with. However, requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 3 (three) working days.

5. Let the relevant records be called for from the concerned Foreigners Tribunal by usual process as well by email at the following email address:

aparupadas1982@gmail.com

6. The prayer for bail shall be considered on receipt of the Tribunal's record.

7. In the meanwhile, the petitioner, namely, Chagbar Ali @ Md. Chakbar Ali is apprehended, he shall not be deported out of the Country without order of the Court.

8. We are surprised to note from paragraph no.2 of the impugned *ex parte* opinion dated 27.06.2024 that the learned Tribunal had recorded due satisfaction of service of notice, although the notice was pasted in the light post of the village. Therefore, it appears that the memory of the learned Tribunal is required to be revived about the manner of service of summons.

9. We hope and trust that the Home & Political (B) Department shall take fresh initiatives to arrange refresher training for all the Members and the Process Servers of the Foreigners Tribunals so as to ensure that notices are duly served in accordance with law or not at all.

10. The learned standing counsel for the FT matters shall transmit a downloaded copy of this order to the competent authority in the Home & Political (B) Department to bring the order to the notice of the said authority.
11. We request the authorities in the Home & Political (B) Department to circulate the copy of this order to all the Foreigners Tribunal, pending refresher training programme in near future.
12. The petitioner shall cause production of a certified copy of this order before the Superintendent of Police (Border), Dhubri to bring the order to the notice of the said authority.
13. List on 22.10.2025.

JUDGE

JUDGE

Comparing Assistant