

GAHC010168752025



DB

2026:GAU-AS:816-

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

HON'BLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE ANJAN MONI KALITA

21.01.2026

(K.R.Surana, J)

Heard Mr. A. Rahman, learned counsel for the petitioner. Also heard Ms. K. Phukan, learned CGC; Mr. G. Sarma, learned standing counsel for the NCR; Ms. A. Verma, learned standing counsel for FT matters; Mr. P. Sharma, learned Addl. Sr. Govt. Advocate, Assam and Ms. K. Bhattacharyya, learned counsel appearing on behalf of Ms. S. Katakey, learned standing counsel for the Election Commission of India.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the *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 Reference IM (D) T Case No.616/2000, thereby declaring the petitioner to be a foreigner of post 25.03.1971 stream.
3. The learned counsel for the petitioner, by referring to the process service report, has submitted that the process service report indicates that the notice of the proceedings of the learned Foreigners' Tribunal was pasted on the light post of the village, however, in Paragraph No.2 of the impugned *ex-parte* opinion dated 27.06.2024, the learned Tribunal has recorded due satisfaction of service of notice.
4. Under the circumstances, this Court by order dated 05.09.2025, had made the following observations, which are extracted hereinbelow for ready reference:-

“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”.

5. On a perusal of the records of the learned Tribunal, the submissions made by the learned counsel for the petitioner are found to be correct as the process service report by pasting on the light post of the village. Accordingly, the Court has no hesitation to hold that the service of notice of the proceedings was not served in accordance with Order 3 of the Foreigners’ Tribunal Order, 1964. The same is found to have vitiated the *ex parte* opinion.

6. Accordingly, the *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 Reference IM(D) T Case No.616/2000 is hereby set aside and quashed.

7. The matter is remanded back to the learned Member, Foreigners’ Tribunal No.1, Dhubri.

8. The petitioner, namely, Chagbar Ali @ Md. Chakbar Ali, who is duly represented by his learned counsel shall appear before the said Tribunal within the outer date of 13.02.2026 and by producing a certified copy of the order, the petitioner shall also file his written statement of defence and documents. It is further provided that in the event the petitioner does not appear within the time

allowed, it would be open to the said learned Tribunal to treat the petitioner as absent on call and pass such further order and/ or opinion as it may so deem fit and proper .

9. The Court requests the learned standing counsel for the FT matters to transmit copy of the order dated 05.09.2025 as well as the order passed today to the Home & Political (B) Department to bring these orders to the notice of the said authority.

10. The Registry shall transmit the records of the Tribunal expeditiously.

11. This writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant