

GAHC010171432020



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

Case No. : Review.Pet./116/2020

PHULJAN NESSA

W/O- MD. ABU TALEB, D/O- MD. ABED ALI @ ABED ALI SK. @ ABEDALI,
R/O- VILL.- TILAPARA, P.S. ABHAYAPURI, DIST.- BONGAIGAON, ASSAM.

VERSUS

THE UNION OF INDIA AND 5 ORS.

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 SUPERINTENDENT OF POLICE (B)

BONGAIGAON
P.O. AND DIST.- BONGAIGAON
ASSAM
PIN- 783380.

4:THE DEPUTY COMMISSIONER

BONGAIGAON
P.O. AND DIST.- BONGAIGAON
ASSAM
PIN- 783380.

5:THE ELECTION COMMISSION OF INDIA

REP. BY THE CHIEF ELECTION COMMISSION OF INDIA
NIRVACHAN ASHOKA ROAD
NEW DELHI.

6:THE NATIONAL REGISTER OF CITIZEN

REP. BY THE STATE CO-ORDINATOR
ACHYUT PLAZA
BHANGAGARH
KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MRS. JUSTICE MALASRI NANDI

ORDER

08-08-2022

(M.R. Pathak, J)

Heard Mr. M.A. Sheikh, learned counsel for the review petitioner and Mr. K. Gogoi, learned Central Government Counsel for the respondent No. 1. Also heard Mr. A. Kalita, learned Standing counsel, Foreigners' Tribunal, Assam for the respondent Nos. 2 & 3; Ms. U. Das, learned Government Advocate, Assam for the respondent No. 4, Mr. A. I. Ali, learned Standing counsel, Election Commission of India for the respondent No. 5 and Ms. L. Devi, learned Standing counsel, NRC for the respondent No. 6.

The petitioner has preferred this review petition on 24.11.2020 against the order dated 17.09.2018 passed by a Co-ordinate Bench of this Court in WP(C) No. 6376/2018 upholding the order dated 26.07.2018 of the learned Member, Foreigners' Tribunal, Bongaigaon No. 2, Abhayapuri passed in BNGN/FT/Case No. 1893/ 2008, whereby the petitioner was declared as a foreigner/illegal migrant under the Foreigners Act, 1946 who illegally entered into India (Assam) on or after 25.03.1971 from the specified territory of Bangladesh.

It is to be noted herein that against the said order dated 17.09.2018, the petitioner earlier

preferred a review petition being Review. Pet. No. 66/2019 which was dismissed on 29.05.2019.

On being enquired, Mr. Sheikh, learned counsel for the review petitioner submits that as liberty was granted to the petitioner by the Hon'ble Apex Court vide order dated 24.02.2020 passed in Special Leave Petition (Civil) Diary No (s). 26725/2019, the petitioner has filed this second review petition.

On perusal of the said order dated 24.02.2020 annexed to this petition, it is seen that said SLP (C) preferred by the petitioner was dismissed on 24.02.2020 on withdrawal granting liberty to file review petition as prayed for.

Call for the relevant records of F.T. Case No. BNGN/FT/Case No. 1893/2008 from the office of the learned Member, Foreigners' Tribunal, Bongaigaon No. 2, Abhayapuri.

List this matter for orders after receipt of the relevant LCR, noted above.

JUDGE

JUDGE

Comparing Assistant