

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 ACHINTYA MALLA BUJOR BARUA
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

24.05.2023

(A.M. Bujor Barua, J)

A fundamental question has arisen in this review petition as to whether a review is maintainable against an earlier review order.

Mr. MA Sheikh, learned counsel for the petitioner refers to the order of the Hon'ble Supreme Court dated 24.02.2020 in IA No. 129454/2019, which a petition for condoning a delay and IA No. 129455/2019 which was for exemption from filing O.T., wherein the learned counsel for the petitioner/appellant before the Hon'ble Supreme Court sought permission to withdraw the petition with liberty to file fresh review petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court provided that permission as sought for is granted.

A question has arisen as to whether the said permission granted by the Hon'ble Supreme Court on a permission being sought for by the learned counsel

for the petitioner/appellant before the Supreme Court would enable the maintainability of a review petition against an earlier review order in view of the judgment of the Hon'ble Supreme Court rendered in Lily Thomas –vs- Union of India and others, reported in (2000) 6 SCC 224.

As prayed for, list the matter after four weeks.

JUDGE

JUDGE

Comparing Assistant