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

Case No. : WP(C)/675/2017

WAHID ANSARI @ WAHID MIA
S/O. LT. SAHEB HUSSAIN MIA @ SAHEB HUSSAIN ANSARI
VILL. AKHAINIYA
P.O. CHAKRA
P.S. SIWAN MUFFASIL
DIST. SIWAN
STATE-BIHAR
PRESENTLY RESIDING AT WARD NO.10
KARAI FACTORY ROAD
DHUBRI TOWN
P.O.
P.S. and DIST. DHUBRI
ASSAM.

VERSUS

THE UNION OF INDIA and 4 ORS.
REP. BY THE SECRETARY OF THE MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
NEW DELHI-01.

2:THE STATE OF ASSAM
REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY.-06.

3:THE DY. COMMISSIONER

DHUBRI DISTRICT
ASSAM.

4:THE SUPDT. OF POLICE B

DHUBRI
DIST. DHUBRI
ASSAM.

5:THE OFFICER IN CHARGE

DHUBRI POLICE STATION
DIST. DHUBRI
ASSAM.

Advocate for : MR.M U MAHMUD
Advocate for : appearing for THE UNION OF INDIA and 4 ORS.

Linked Case :WP(C)/8012/2018

WAHID ANSARY @ WAHID ALI
S/O. LT. SAHEB HUSSAIN, VILL/WARD NO. 10, DHUBRI, P.S. DHUBRI, DIST.
DHUBRI, ASSAM-783301.

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI-01.

2:THE ELECTION COMMISSION OF INDIA

NEW DELHI-01.

3:THE STATE OF ASSAM

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GUWAHATI-06.

4:THE ASSAM CO-ORDINATOR OF NRC

BHANGAGARH
ASSAM
GHY.-05.

5:THE DY. COMMISSIONER

DHUBRI
DIST. DHUBRI
ASSAM-783301.

6:THE SUPDT. OF POLICE (B)

DHUBRI
DIST. DHUBRI
ASSAM-783301.

7:THE OFFICER IN CHARGE

BHANGNAMARI POLICE STATION
DIST. DHUBRI
ASSAM-783301

Advocate for the Petitioner : MR. M U MAHMUD, MR. M ALI,MR S ISLAM,MR. P K DAS,MS.
R AHMED

Advocate for the Respondent : ASSTT.S.G.I., SC, NRC,SC, ECI,SC, F.T

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

23.01.2025

(M.R. Pathak, J)

Heard Mr. M U Mahmud, learned counsel for the petitioner.

2. In WP(C) No. 675/2017, heard Ms. K Phukan, learned CGC, Union of India for the respondent No. 1. Also heard Mr. J Payeng, learned Standing counsel, Home Department, Assam for the respondent No. 2, 4 & 5 as well as Mr. P Sarma, learned Additional Senior Government Advocate, Assam for the respondent No. 3.

3. In WP(C) No. 8012/2018, heard Ms. K Phukan, learned CGC, Union of India for the respondent No. 1. Also heard Mr. H Kuli, learned Standing Counsel, Election Commission of

India for the respondent No. 2; Mr. J Payeng, learned Standing counsel, Home Department, Assam for the respondent Nos. 3, 6 & 7; Mr. G Sarma, learned Standing counsel, NRC, Assam for the respondent No. 4 as well as Mr. P Sarma, learned Additional Senior Government Advocate, Assam for the respondent No. 5.

4. In a reference being made by the Superintendent of Police (Border), Dhubri vide Reference No. R/IM(D)T/2291/1998, the learned Foreigners Tribunal No. 1, Dhubri by judgment dated 10.08.2016 passed in F.T. Case No. 1507/D/10 opined the petitioner to be a foreigner under the Foreigners Act, 1946.

5. Against the said order of the learned Foreigners Tribunal No. 1, Dhubri passed in F.T. Case No. 1507/D/10 dated 10.08.2016, the petitioner preferred WP(C) No. 675/2017.

6. While the said WP(C) No. 675/2017 was pending for adjudication, the learned Foreigners Tribunal No.1, Dhubri in F.T. Case No. 3008/D/2010 arising out of a reference made by the Superintendent Of Police (Border), Dhubri in reference case No. R/IM(D)T/2290/1998, by order dated 05.12.2018 again opined the petitioner to be a foreigner under the Foreigners Act, 1946 and the said order of the learned Foreigners Tribunal No.1, Dhubri dated 05.12.2018 passed in F.T. Case No. 3008/D/2010 is challenged by the petitioner in WP(C) No. 8012/2018.

7. The aforesaid facts were already considered by a Coordinate Bench of this Court way back on 14.12.2018 passed in WP(C) No. 8012/2018.

8. Registry has already received the relevant case records of said F.T. Case No. 3008/D/11 from the Office of the learned Foreigners Tribunal No.1, Dhubri that was called for by the Court on 14.12.2018 in WP(C) No. 8012/2018.

9. Though the Court by order dated 07.02.2017 passed in WP(C) No. 675/2017 called for the records of said F.T. Case No. 1507/D/11 from the Office of the learned Foreigners Tribunal No.1, Dhubri that was decided on 10.08.2016, but there is no note as to whether the said record has been received by the Registry or not, even though communication regarding the same was made way back on 03.03.2017.

10. Registry shall forthwith issue reminder to the Office of the learned Foreigners Tribunal No.1, Dhubri for the records of F.T. Case No. 1507/D/11 in original.

11. List on **13.02.2025**.

JUDGE

JUDGE

Comparing Assistant