

GAHC010216082025



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

Case No. : WP(C)/5669/2025

YEARAN NESSA @ YARAN NESSA
D/O LATE TAHER ALI, W/O AJIM UDDIN, R/O VILL- ALOPATI, P.O.- ALOPATI,
P.S.- ALOPATI CHAR, DIST- BARPETA, ASSAM, PIN-781127

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HOME, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SUPERINTENDENT OF POLICE (BORDER)
BARPETA
P.O. AND P.S.- BARPETA
DIST- BARPETA
ASSAM

4:THE DISTRICT COMMISSIONER
BARPETA
P.O. AND P.S.- BARPETA
DIST- BARPETA
ASSAM

5:THE ELECTION COMMISSIONER OF INDIA
BY THE CHIEF ELECTION COMMISSION
ASHOKA ROAD
NEW DELHI-110001

6:THE STATE CO-ORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
REPRESENTED BY THE STATE CO-ORDINATOR
BHANGAGARH
ASSAM
GUWAHATI-78100

Advocate for the Petitioner : MR. S NATH, MR M SHELMIM

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.09.2025

(K.R. Surana, J)

Heard Mr. S. Nath, learned counsel for the petitioner as well as Ms. A. Verma, learned standing counsel for the Foreigners Tribunal, Ms. P. Barua, learned standing counsel for the Election Commission of India, Mr. M.R. Adhikari, learned CGC and Mr. P. Sharma, learned Addl. Senior Govt. Advocate.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 31.07.2019, passed by the learned Member, Foreigners Tribunal No.6th, Barpeta in F.T. Case No. 446/15, corresponding to R/ Case No. 126/B/98 Dt-02/07/98, by which the petitioner was declared as an illegal migrant.

3. In view of the inordinate delay in assailing the impugned opinion, keeping the issue of maintainability open, issue notice returnable on 31.10.2025.

4. Requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.
5. Let the relevant records be called for from the concerned Foreigners Tribunal by usual process as well as by email at the following email address:
ft62017@gmail.com
6. The prayer for bail shall be considered on receipt of the records from the learned Tribunal.
7. In the meanwhile, if the petitioner, namely, Yearan Nessa @ Yaran Nessa is apprehended, she shall not be deported out of the Country without order of the Court.
8. The petitioner shall appear before the Superintendent of Police (Border), Barpeta with a certified copy of this order to bring it to his notice.
9. List the matter on 31.10.2025.

JUDGE

JUDGE

Comparing Assistant