

GAHC010254512024



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

Case No. : WP(C)/6490/2024

SOFIA KHATUN @ SOFIA BEGUM
D/O- LATE AGAR ALI,
W/O- SHAHAR ALI,
R/O- VILLAGE- KUJARPITH,
P.S.- HOWLY,
DISTRICT- BARPETA, ASSAM,
PIN- 781301.

VERSUS

THE UNION OF INDIA AND 5 ORS
THROUGH THE SECRETARY,
TO THE GOVERNMENT OF INDIA,
THE MINISTRY OF HOME AFFAIRS,
GRIHA MANTRALAYA, NEW DELHI.

2:THE STATE OF ASSAM
THROUGH THE SECRETARY

TO THE GOVERNMENT OF ASSAM

HOME DEPARTMENT
DISPUR

GUWAHATI- 781006.

3:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER OF INDIA

NIRVACHAN SADAN ASHOKA ROAD

NEW DELHI- 110001.

4:THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZEN
ASSAM
BHANGAGARH
GUWAHATI- 781005.

5:THE DEPUTY COMMISSIONER
BAJALI
P.O.- BAJALI
DISTRICT- BAJALI

ASSAM
PIN CODE-

6:THE SUPERINTENDENT OF POLICE (BORDER)
BAJALI
P.O.- BAJALI
DISTRICT- BAJALI

ASSAM
PIN CODE

Advocate for the Petitioner : MR. F A HASSAN, MS. U NANDA

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

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

ORDER

06.12.2024

(K.R. Surana, J)

Heard Mr. F.A. Hassan, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned CGC representing respondent no.1; Mr. J. Payeng, learned Standing Counsel, FT and Home Department representing respondent nos. 2, 4 and 6; Ms. N. Bedi, learned counsel appearing on behalf of Ms. P. Baruah, learned Standing Counsel representing respondent no.3; and Mr. P. Sarmah,

learned Additional Senior Govt. Advocate representing respondent no.5.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the opinion dated 23.10.2024, passed by the learned Member, Foreigner's Tribunal, Bajali in F.T Case No.696/2017 [arising out of IM(D)T reference Case No.3213/97], declaring the petitioner as a foreigner who has entered India illegally after 25.03.1971 stream.

3. Issue notice returnable in 4 (four) weeks.

4. In the meanwhile, learned counsel for the petitioner shall serve requisite extra copies of the writ petition to the learned CGC, Govt. Advocate as well as Departmental Counsel within 2 (two) working days.

5. Registry shall call for the relevant records from the concerned Tribunal.

6. Subject to taking steps on the respondents as directed above, in the interim, the petitioner, namely, Sofia Khatun @ Sofia Begum, if has not already been detained in custody, shall not be taken into custody and deported from the territory of India, on condition that she shall appear before the Superintendent of Police (Border), Bajali within a period of 10 (ten) days and shall furnish a bail bond of Rs.5,000/- (Rupees five thousand only) with one local surety of the like amount to the satisfaction of the said authority. Further, the Superintendent of Police (Border), Bajali is directed that on appearance of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, whereafter, she shall be allowed to remain on bail.

7. On her appearance before the Superintendent of Police (Border),

Bajali, as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing her presence.

8. The learned counsel for the petitioner shall inform the Court on the next date if the petitioner has taken bail.

9. It is made clear that, if the petitioner does not appear before the Superintendent of Police (Border), Bajali, within the time allowed, the interim bail shall stand lapsed automatically.

10. List the matter after 4 (four) weeks on receipt of the Tribunal records.

JUDGE

JUDGE

Comparing Assistant