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

Case No. : WP(C)/6940/2025

MD. FAJAL HOQUE
S/O NURU MIYA @ NURU SK. @ NURUDDIN, R/O VILL- MANDIRA N.C.,
P.O.- MALIBARI PATHAR BAZAR, P.S.- BOKO, DIST- KAMRUP, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT. OF INDIA, SHASTRI BHAWAN, TILAK MARG, NEW DELHI-
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2:THE ELECTION COMMISSION OF INDIA
NEW DELHI-1

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

4:THE DISTRICT COMMISSIONER OF KAMRUP (METRO)
P.O.- HENGRABARI
DIST- KAMRUP (M)
ASSAM
PIN-781036

5:THE DEPUTY COMMISSIONER OF POLICE (BORDER)
KAMRUP (M)
PANBAZAR
GUWAHATI-781001
ASSAM

6:THE STATE COORDINATOR OF NRC
ASSAM
HOUSEFED COMPLEX
2ND FLOOR
BANPHOOL NAGAR
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR N AHMED, IMDADUL ISLAM,M RAHMAN

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 08.12.2025
(K.R. Surana, J)

Heard Mr. N. Ahmed, learned counsel for the petitioner. Also heard Ms. R. Devi, learned CGC; Ms. S. Katakya, learned standing counsel for the ECI; Ms. A. Verma, learned standing counsel for the FT matters and Border matters; and Mr. H.K. Hazarika, learned Junior Govt. Advocate for respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned opinion dated 30.10.2021, passed by the learned Member, Foreigners' Tribunal-4th, Kamrup (M), Assam, in F.T. Case No. FTK(M)-4th-736/17, corresponding to F.T. Case No. 3585/09, by which the petitioner was declared as an illegal migrant.

3. In view of the inordinate delay in assailing the opinion, keeping the issue of maintainability open, issue notice returnable on 19.01.2026.

4. Let the relevant records be called for from the concerned Foreigners Tribunal by usual process as well as through e-mail at the following e-mail

addresses of the learned Tribunal:-

foreignerstribunal4th@gmail.com

ajoyphukan10@gmail.com

5. Requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.
6. Prayer for bail shall be considered on receipt of records.
7. List on 19.01.2026.

JUDGE

JUDGE

Comparing Assistant