

GAHC010281492025



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

Case No. : WP(C)/248/2026

HAMIDA KHATUN
D/O ABDUL HEKIM, W/O NURUL ISLAM, VILL. DURABANDHI, P.S.
MOIRABARI, DIST. MORIGAON, ASSAM.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, HOME DEPARTMENT, NEW DELHI- 1, INDIA

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE ELECTION COMMISSION OF INDIA
TO BE REPRESENTED BY THE COMMISSIONER
NIRVACHAN SADAN
ASHOKA ROAD
DELHI. 110001

4:THE DISTRICT COMMISSIONER
MORIGAON
DIST. MORIGAON
ASSAM

5:THE SUPERINTENDENT OF POLICE (B)
MORIGAON
DIST. MORIGAON
ASSAM

6:THE OFFICER IN-CHARGE
MOIRABARI POLICE STATION
PS
MOIRABARI
DIST. MORIGAON
ASSA

Advocate for the Petitioner : MR. Z HAMMAD, R DAS

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

BEFORE

HON'BLE MR. JUSTICE KALYAN RAI SURANA

HON'BLE MR. JUSTICE ANJAN MONI KALITA

21.01.2026

(K.R.Surana, J)

Heard Mr. Z. Hammad, learned counsel for the petitioner. Also heard Ms. K. Phukan, learned CGC; Mr. G. Sarma, learned Standing Counsel for NCR; Ms. A. Verma, learned Standing Counsel for FT matters; Mr. P. Sharma, learned Addl. Sr. Govt. Advocate, Assam and Ms. K. Bhattacharya, learned counsel appearing on behalf of Ms. S. Katakey, learned Standing Counsel for the Election Commission of India.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned order dated 07.08.2023, passed by the learned Member, Foreigners' Tribunal-5th, Morigaon, in Case No. M.F.T. (J).2023/2327, Case No. F.T. (D) 403/2015 (New Number), F.T. (D)30/2011 (Old Number), arising out of D/N Case No.1056/98 Dtd. 18/06/1998, thereby declaring the petitioner to be a foreigner of post 25.03.1971 stream.

- 3.** Issue notice returnable in 4 (four) weeks.
- 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 email at the following email address.
Ft5morigaon@gmail.com.
- 6.** The prayer for bail shall be considered on receipt of the Tribunal records. It is provided that in the event the petitioner, namely, Hamida Khatun is apprehended, she shall not be deported out of the Country without order of the Court.
- 7.** The petitioner shall cause production of a certified copy of the order before the Superintendent of Police (Border), Morigaon.
- 8.** List the matter after 4 (four) weeks and/ or receipt of the Tribunal records.

JUDGE

Comparing Assistant