

GAHC010284632025



undefined

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

Case No. : WP(C)/676/2026

KHAIRUL ISLAM
S/O- LATE NAIB ALI,
VILL- FUHURATOLI, P.S- SIPAJHAR, DIST- DARRANG, ASSAM

VERSUS

THE UNION OF INDIA AND OTHERS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME AFFAIRS, SHASTRI BHAWAN, TILAK MARG, NEW DELHI 110001

2: THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-110001

3: THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

4: THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S ROAD.
BHANGAGARH
GUWAHATI-05
DIST- KAMRUP (M)

5:THE DISTRICT COMMISSIONER
DARRANG
MANGALDOI
ASSAM
PIN-782105

6:THE SUPERINTENDENT OF POLICE (B)
KAMRUP (M)
ASSAM
PIN-781001

7:DEPUTY COMMISSIONER OF POLICE (B)
KAMRUP (M) DISTRICT- KAMRUP
ASSAM GUWAHATI-78100

Advocate for the Petitioner : MD S HOQUE, MR J HUSSAIN,MR. M DEKA,MR M HOQUE

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 20-05-2026
(S.K Medhi, J)

Heard Shri. M. Hoque, learned counsel for the petitioner.

- 2.** The petitioner is aggrieved by an opinion dated 16.09.2025, passed by the learned Member, Foreigner's Tribunal-4th, Kamrup (M), Assam in F.T Case No. FTK(M) 4th-1318/2018 (Ref. F.T Case No. 916/03 (IMDT), whereby the petitioner has been declared as foreigner of post 1971.
- 3.** It is contended that relevant documents including documents to connect with his father have been ignored by the learned Tribunal.
- 4.** Let **notice** be issued, returnable on **22.06.2026**.

5. Shri. A.K. Dutta, learned CGC accepts notice on behalf of the respondent no.1; Ms. A. Verma, learned Standing Counsel, Home Deptt., State Co-ordinator and NRC accepts notice on behalf of the respondent nos. 3, 4, 6 & 7; Ms. S. Katakey, learned Standing Counsel, ECI accepts notice on behalf of respondent no. 2 and Mr. P. Sarma, learned State counsel accepts notice on behalf of the respondent No.5.

6. Extra copies of the writ petition be served upon the learned counsel for the respondents by tomorrow.

7. Call for the record of the case namely F.T Case No. FTK(M) 4th-1318/2018 (Ref. F.T Case No. 916/03 (IMDT). Registry to take steps for requisitioning the same.

8. The learned counsel for the petitioner has submitted that the petitioner has not been arrested yet and accordingly prays for an interim order.

9. Considering the facts projected, the Court is inclined to grant bail to the petitioner, namely, **Khairul Islam**, by providing that if he has not already been detained in custody, he shall not be taken into custody and deported from the territory of India, on condition that he shall appear before the **Superintendent of Police (Border), Kamrup (M), Guwahati-01** on or before 02.06.2026 from today during the office hours and shall furnish a bail bond of **Rs. 10,000/-** (Rupees Ten thousand only) with one solvent surety of the like amount to the satisfaction of the said authority. Further, the Superintendent of Police (Border), Kamrup (M), Guwahati-01 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, he shall be allowed to remain on bail.

10. On his appearance before the Superintendent of Police (Border), Kamrup (M), Guwahati-01 as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence.

11. On failure of the petitioner to appear before the Superintendent of Police (Border), Kamrup (M), Guwahati-01 within the stipulated time, the observations made towards grant of bail shall be inoperative.

12. List accordingly.

JUDGE

JUDGE

Comparing Assistant