

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 23950/2016

(Arising out of impugned final judgment and order dated 16/06/2016 in WA No. 317/2013 passed by the High Court of Gauhati)

MOHD. SAMSUDDIN AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T., interim relief and office report)

WITH

SLP(Cr1) No. 6304/2016

Date : 27/03/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, Adv.
Mr. Anas Tanwir, Adv.
Mr. Pushkar Sharma, Adv.
Mr. Varun Mishra, Adv.
Mr. M. Asmar Ansari, Adv.
Ms. Aamna Dara Khshan, Adv.

Mr. Somiran Sharma, Adv.
Mr. Amit Kumar, Adv.

For Respondent(s) Mr. Arijit Prasad, Adv.
Ms. Sunita Rani Singh, Adv.
Mr. B. Krishna Prasad, Adv.
Mr. Ansh Singh Luthra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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We find from the record that in the instant case, proceedings against the petitioner were initiated under the Foreigners Act, 1946. Since the petitioner did not appear,

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he was proceeded ex-parte and the Foreigners Tribunal had passed orders declaring him a foreigner.

The petitioner is relying upon certain documents on the basis of which he claims that he is the citizen of India. Since the petitioner was deprived of an opportunity to prove these documents, we direct the Foreigners Tribunal to consider these documents and return its findings thereupon.

List the matter after three months. Let the report be sent before the next date.

In the meantime, the petitioner shall not be deported.

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List on 11th July, 2017.

(Nidhi Ahuja)
Court Master

(Mala Kumari Sharma)
Court Master