

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS...../2025
(@Petition for Special Leave to Appeal (C) Nos.29968-29969/2024)

ANOWARA KHATOON @ ANOWARA KHATUN

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

1. These appeals arise from the judgment and order passed by the Gauhati High Court dated 7-3-2024 in Case No. Writ Petition (Civil) No.7463/2023 and order dated 2-8-2024 in Review Petition No.54/2024, by which the Writ Petition and Review Petition filed by the appellant came to be rejected, thereby affirming the order passed by the Foreigner's Tribunal in FT Case No.42/BAKSA/2019

declaring the appellant -herein to be a foreigner (illegal immigrant).

2. *Prima facie*, it appears on plain reading of the judgment that for some reason or the other, the appellant was not able to appear before the Foreigner's Tribunal and make good her case that she is not a foreigner but arrived in India within the time period stipulated under Section 6 (A) of the Citizenship (Amendment) Act, 1955.

3. For the present, we do not intend to look into the merits of the matter.

4. We are informed that after the Tribunal declared the appellant to be a foreigner, she has been now confined to the detention centre.

5. What we have been able to understand is that whenever any individual is declared as a foreigner/illegal immigrant that person would be confined to the detention centre/correctional centres and if the Authorities are not able to deport that person within a span of 2 years, then, that person would be released subject to certain terms and conditions.

6. When this matter was heard in the past, we consistently enquired with the learned counsel appearing for the State as regards the status of her other family

members. However, in the affidavit filed by the State, they have stated that no proceedings have been initiated against any other family members of the appellant.

7. Be that as it may, here is a case of a lady who is in detention centre past 1 year and 4 months.

8. We propose to pass interim order today ordering her release from the detention centre on the following terms and conditions:-

(a) Execution of bond with two sureties of Rs.5,000/- (Rupees five thousand only) each of Indian citizens;

(b) He or she specifies verifiable address of stay after release;

(c) Biometric of his/her iris (if possible) and all ten fingerprints and photos shall be captured and stored in a secured database before release from the detention centres. He or she shall report once every week to the Police Station specified by the Foreigners Tribunal;

(d) He or she shall notify any change of his or her address to the specified Police Station on the same day, and

(e) A quarterly report to be submitted by the Superintendent of Police (Border) to the Foreigners Tribunal regarding appearance of such released declared foreigner to concerned Police Station and in case of violation of condition, the DFN will be apprehended and produced before Foreigners Tribunal."

9. *We order as aforestated.*

.....J
(J.B. PARDIWALA)

.....J
(R. MAHADEVAN)

NEW DELHI
21ST MARCH, 2025.

ITEM NO.5

COURT NO.13

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos.29968-29969/2024

[Arising out of impugned final judgment and order dated 07-03-2024 in WPC No. 7467/2023 and order dated 02-08-2024 in RP No. 54/2024 passed by the Gauhati High Court]

ANOWARA KHATOON @ ANOWARA KHATUN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 279712/2024 - EXEMPTION FROM FILING O.T.)

Date : 21-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Kapil Sibal, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Ms. Rupali Samuel, Adv.
Mr. M Shaz Khan, Adv.
Mr. Faizan Ahmad, Adv.
Mr. Sudhanshu Tewari, Adv.
Mr. Rafid Akhter, Adv.
Mr. Unni S, Adv.
Mr. Deepesh Agarwal, Adv.

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
Mr. Kanu Agrawal, Adv.
Ms. Shivika Mehra, Adv.
Ms. Astha Singh, Adv.
Ms. Tanvi Dubey, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Ankit Agarwal, AOR
Mr. Koustubh Desai, Adv.
Ms. Viyushti Rawat, Adv.
Mr. Ashish Shukla, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

UPON hearing the counsel the Court made the
following

O R D E R

1. Exemption Application is allowed.
2. Leave granted.
3. We propose to pass interim order today ordering appellant's release from the detention centre on the following terms and conditions:-

(a) Execution of bond with two sureties of Rs.5,000/- (Rupees five thousand only) each of Indian citizens;

(b) He or she specifies verifiable address of stay after release;

(c) Biometric of his/her iris (if possible) and all ten fingerprints and photos shall be captured and stored in a secured database before release from the detention centres. He or she shall report once every week to the Police Station specified by the Foreigners Tribunal;

(d) He or she shall notify any change of his or her address to the specified Police Station on the same day, and

(e) A quarterly report to be submitted by the Superintendent of Police (Border) to the Foreigners Tribunal regarding appearance of

such released declared foreigner to concerned Police Station and in case of violation of condition, the DFN will be apprehended and produced before Foreigners Tribunal."

(VISHAL ANAND)

ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)

COURT MASTER (NSH)

(Signed Order is placed on the file)