

GAHC010115532025



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

Case No. : WP(C)/2917/2025

TORAP ALI
S/O JUMUR UDDIN, R/O VILL- BHUKURADIA, P.O.- TUPAMARI, P.S.-
NAGARBERA, DIST- KAMRUP, ASSAM, PIN-781127

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
GUWAHATI-781006

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-781007

4:THE DISTRICT COMMISSIONER
KAMRUP
ASSAM
PIN-781031

5:THE SUPERINTENDENT OF POLICE (B)
KAMRUP
ASSAM
PIN-781031

6:THE SPECIAL DIRECTOR GENERAL OF POLICE (BORDER)
ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWHAATI-781007

7:THE OFFICER-IN-CHARGE
NAGARBERA POLICE STATION
KAMRUP
ASSAM
PIN-78112

Advocate for the Petitioner : MR A W AMAN, A MISHRA,MR. D K AGARWALA,MR
SARFRAZ NAWAZ

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.05.2025
(K.R. Surana, J)

Heard Mr. H.R.A. Choudhury, learned senior counsel, assisted by Mr. A.W. Aman, learned counsel for the petitioner. Also heard Mr. R.K.D. Choudhury, learned DSGI for the respondent no.1; Mr. B. Gogoi, learned standing counsel for the respondent nos.2, 3, and 4; and Mr. J. Payeng, learned standing counsel for the respondent nos.5, 6 and 7.

2. The learned senior counsel for the petitioner has referred to Annexure-1 to the writ petition and has submitted that by an opinion dated 12.12.2017, passed by the learned Member, Foreigners Tribunal No.1, Kamrup (Rural), one Md. Abdu Bakkar was held to be foreigner of post 25.03.1971 stream and was held to be liable to be pushed back to the specific territory. The

said opinion was assailed before this Court by filing WP(C) 293/2018. However, the said writ petition was disposed of by order dated 04.12.2018.

3. One Akbar Ali was also declared to be a foreigner of post 25.03.1971 stream, which was assailed by filing WP(C) 301/2018, which was also dismissed by order dated 04.12.2018 by this Court.

4. It is submitted that on the day when the opinion was pronounced by the learned Tribunal, both persons, namely, Md. Abu Bakkar and Akbar Ali were taken into custody. It is projected that by virtue of order dated 10.05.2019, passed by the Supreme court of India in WP(C) 1045/2018 as well as order dated 13.04.2020, passed by the Supreme Court of India in Suo Moto WP(C) 01/2020, both the said persons were released on bail on certain conditions. It is submitted that those conditions were scrupulously being followed by the said 2 (two) persons.

5. It is projected that on 24.05.2020, both the said persons, who are the uncle of the petitioner were apprehended and thereafter, their whereabouts are not known to the family. It is submitted that as per instruction received by him, the petitioner had approached the border police including the Superintendent of Police (Border), Barpeta, Kamrup as well as enquiry was made at Transit Camp at Matia, Goalpara. However, whereabouts of the said 2 (two) uncles of the petitioner was not made available.

6. Under such circumstances, the Court is inclined to issue notice returnable on 04.06.2025.

7. Requisite extra copies of the writ petition be furnished on the learned DSGI, State and Departmental counsel in course of the day.

8. The learned standing counsel for the FT matters shall obtain instruction as to the status of the said 2 (two) uncles of the petitioner including where they are currently lodged.

9. List on 04.06.2025.

JUDGE

JUDGE

Comparing Assistant