
(2021) 07 GAU CK 0096

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 2819 Of 2021

Narayan Das

APPELLANT

Vs

Union Of India And 4 Ors.

RESPONDENT

Date of Decision : 16-07-2021

Acts Referred:

Citizenship Amendment Act, 1985 — Section 6A

Citation : (2021) 07 GAU CK 0096

Hon'ble Judges : N. Kotiswar Singh, J;Soumitra Saikia, J

Bench : Division Bench

Advocate : A S Dhillon

Final Decision : Disposed Of

Judgement

1. Heard Mr. K. Biswakarma, learned counsel for the petitioner. Also heard Ms. A. Gayan, learned CGC appearing for respondent No.1 and Mr.

S.C. Keyal, learned Special Counsel, F.T. appearing for respondent Nos.2-5.

2. Considering the nature of the case, we are of the opinion that the present petition can be disposed of at this stage without issuing any formal notice

to the respondents.

3. The present petition has been filed by the petitioner being aggrieved by the order dated 11.07.2018 passed by the Foreigners Tribunal (4th), Cachar,

Silchar, Assam, in Case No.F.T.4th/97/2015 (Reference I/Case No.158/2012) by which the petitioner and his family members were declared

foreigners in Assam as per Section 6A of the Citizenship Amendment Act, 1985.

4. The Foreigners Tribunal (4th), Cachar, Silchar, Assam declared the petitioner's brother Samiran Das as a foreigner vide its order dated

14.06.2017 passed in Case No.F.T.4th/96/2015 (I/Case No.157/2012) and

accordingly, in petitioner's case also the Tribunal held that since the brother of the petitioner had been declared a foreigner vide order dated 14.06.2018 in Case No.F.T.4th/96/2015 (I/Case No.157/2012) as a natural consequence, his brother Narayan Das (the proceedee/petitioner herein) would be also declared a foreigner. It may be noted that the order dated 14.06.2018 passed by the Foreigners Tribunal (4th), Cachar, Silchar in Case No.F.T.4th/96/2015 against Samiran Das has been interfered by this Court in WP(C) No.2802/2021 and has been remanded to the Tribunal for a fresh reconsideration, of which there is no dispute.

5. In that view of the matter, we are also of the opinion that this matter also requires to be remanded for fresh reconsideration along with the case of Samiran Das. Accordingly, the petition is allowed by setting aside the impugned order dated 11.07.2018 passed by the Foreigners Tribunal (4th), Cachar, Silchar in Case No.F.T.4th/97/2015 (Reference I/Case No.158/2012).

The petitioner will appear before the said Tribunal on or before 16.08.2021 and thereafter, the Tribunal will decide the matter in accordance with law.

6. However, since the citizenship of the petitioner is under cloud, we also direct that the petitioner shall appear before the Superintendent of Police (Border), Silchar, Cachar, but the petitioner will not be detained and will remain on bail on furnishing a bail bond of Rs.5000/-(Rupees five thousand) with one local surety of the like amount to the satisfaction of the Superintendent of Police (Border), Silchar till disposal of the reference. The concerned Superintendent of Police (Border) shall also take steps for capturing the fingerprints and biometrics of the iris of the petitioner, if so advised.

The petitioner shall not leave the jurisdiction of Silchar District without giving details of the place of destination and his place of stay to the Superintendent of Police (Border), Silchar.

7. It is made clear that if the petitioner fails to appear before the Foreigners Tribunal (4th), Cachar, Silchar by 16.08.2021, the earlier order passed by Foreigners Tribunal (4th), Cachar, Silchar on 11.07.2018 in Case No.F.T.4th/97/2015 (Reference I/Case No.158/2012) shall stand revived and the order of bail passed by this Court today will stand vacated and law will take its own course.

8. The present petition stands disposed of accordingly.