
(2021) 07 GAU CK 0053

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3135 Of 2021

Sahera Khatun

APPELLANT

Vs

Union Of India And 5 Ors

RESPONDENT

Date of Decision : 13-07-2021

Acts Referred:

Citation : (2021) 07 GAU CK 0053

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

Bench : Division Bench

Advocate : N Ahmed

Judgement

Heard Mr. N. Ahmed, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned CGC appearing for respondent No.1; Ms. A. Verma,

learned Special Counsel, F.T. appearing for respondent Nos.2, 4 & 5; Mr. A. Bhuyan, learned Standing Counsel, ECI, appearing for respondent No.3

and Ms. L. Devi, learned Standing Counsel, NRC appearing for respondent No.6.

This petition has been filed by the petitioner challenging the impugned order dated 04.10.2018 passed by the Foreigners Tribunal 6th, Barpeta in F.T.

Case No.386/2015 (reference Case No.2012/1997), whereby the petitioner has been declared a foreigner.

Let notice be issued, returnable within 4(four) weeks.

No formal steps are called for in respect of the respondents, as they are duly represented. However, extra copies be furnished to learned counsel

appearing for the respondents.

Lower Court records be requisitioned in respect of F.T. Case No.386/2015 (reference Case No.2012/1997) from the Foreigners Tribunal 6th, Barpeta,

Assam.

Learned counsel for the petitioner submits that the petitioner has not yet been detained on the strength of the impugned order dated 04.10.2018 passed

in F.T. Case No.386/2015 (reference Case No.2012/1997) by the Foreigners Tribunal 6th, Barpeta, Assam.

In the meantime, the petitioner, if not already arrested, may not be arrested and deported from India. However, the petitioner shall appear before the

Superintendent of Police (Border), Barpeta within 7(seven) days from today, who may obtain necessary information and documentation as required

under the rules from the petitioner for securing her presence. On such appearance, the petitioner shall furnish a bail bond of Rs. 5,000/- (Rupees five

thousand) with one local surety of the like amount to the satisfaction of the said authority, whereafter, the petitioner shall be allowed to remain on bail.

The concerned Superintendent of Police (Border), Barpeta shall obtain the fingerprints of both hands and biometrics of the iris of the petitioner. The

petitioner also shall not leave the jurisdiction of Barpeta district without furnishing the details of the place of destination and necessary information

including contact number to the Superintendent of Police (Border), Barpeta.

List the matter immediately after receipt of records.