

GAHC010071112020



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

Case No. : W.P.(Crl.)/2/2020

SANTANU BORTHAKUR
S/O. AWANI BORTHAKUR, R/O. GANESH MANDIR PATH, NEW GUWAHATI,
P.S. NOONMATI, DIST. KAMRUP (M), ASSAM.

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA IN THE MINISTRY OF
HOME AFFAIRS (FOREIGNERS DIVISION), MAJOR DHYAN CHAND
NATIONAL STADIUM, INDIA GATE, NEW DELHI-110002.

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781001
DIST. KAMRUP (M)
ASSAM.

3:THE SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL DEPTT.
DISPUR
GUWAHATI-781006.

4:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
POLITICAL (B) DEPTT.
DISPUR
GUWAHATI-781006.

5:THE INSPECTOR GENERAL OF PRISONS
ASSAM PRISON HEADQUARTERS
KHANAPARA

GUWAHATI-781022
ASSAM

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : W.P.(CrI.)/7/2020

ABANTEE DUTTA
CO FOUNDER AND DIRECTOR
STUDIO NILIMA- COLLABORATIVE NETWORK FOR RESEARCH AND
CAPACITY BUILDING D/O- NILAY DUTTA
R/O- 1A
DAMAYANTI MANSION
SATYA BORA LANE
DIGHALIPUKHURI EAST
DIST- KAMRUP(M)
GUWAHATI- 781001

VERSUS

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REP. BY THE SECRETARY TO THE GOVT OF INDIA IN THE MIN OF HOME
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KHANAPARA
GUWAHATI- 781022
ASSAM

Advocate for : MR N DUTTA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : W.P.(CrI.)/6/2020

ABANTEE DUTTA
D/O- NILAY DUTTA
R/O- 1A
DAMAYANTI MANSION
SATYA BORA LANE
DIGHALIPUKHURI EAST
DIST- KAMRUP(M)
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Advocate for : MR N DUTTA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : W.P.(CrI.)/4/2020

DIPIKA SARKAR
D/O- SRI CHITTARANJAN SARKAR
R/O- JYOTIKUCHI
JYOTI SRINAGAR
GHY- 34

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE SECY. TO THE GOVT. OF INDIA IN THE MINISTRY OF HOME
AFFAIRS (FOREIGNERS DIVISION)
MAJOR DHYAN CHAND NATIONAL STADIUM
INDIA GATE
NEW DELHI- 110002

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GHY-01
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3:THE SECY. TO THE GOVT. OF ASSAM
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DISPUR
GHY-06

4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
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DISPUR GHY-06
5:THE INSPECTOR GENERAL OF PRISONS
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KHANAPARA

GHY-22
ASSAM

Advocate for : MR N DUTTA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : I.A.(Civil)/2271/2020

ABANTEE DUTTA
D/O- NILAY DUTTA
R/O- 1A
DAMAYANTI MANSION
SATYA BORA LANE
DIGHALIPUKHURI EAST
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THE UNION OF INDIA AND 4 ORS
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AFFAIRS (FOREIGNERS DIVISION) MAJOR DHYAN CHAND NATIONAL
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Advocate for : MR N DUTTA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : W.P.(Crl.)/3/2020

NURUT ZAMAN DEWAN
S/O- NURUDDIN DEWAN
PRESENTLY R/O- H.NO. 57
COL.J.ALI ROAD
GHY-01

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE SECY. TO THE GOVT. OF INDIA IN THE MINISTRY OF HOME
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MAJOR DHYAN CHAND NATIONAL STADIUM
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Advocate for : MR N DUTTA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : I.A.(Civil)/2270/2020

ABANTEE DUTTA
D/O- NILAY DUTTA
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DAMAYANTI MANSION
SATYA BORA LANE
DIGHALIPUKHURI EAST
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GUWAHATI- 781001

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THE UNION OF INDIA AND 4 ORS
REP. BY THE SECRETARY TO THE GOVT OF INDIA IN THE MIN OF HOME
AFFAIRS (FOREIGNERS DIVISION) MAJOR DHYAN CHAND NATIONAL
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ASSAM

Advocate for : MR N DUTTA

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : I.A.(Civil)/1387/2020

NURUT ZAMAN DEWAN
S/O- NURUDDIN DEWAN
PRESENTLY R/O- H.NO. 57
COL.J.ALI ROAD
GHY-01

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THE UNION OF INDIA AND 4 ORS
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GHY-22
ASSAM

Advocate for : MR N DUTTA
Advocate for : GA
ASSAM appearing for THE UNION OF INDIA AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER**Date : 11.08.2021**

Heard Mrs. R.S. Chowdhury, learned counsel for the petitioner. Also heard Mr. D. Saikia, learned Advocate General assisted by Mr. D. Nath, learned Senior Govt. Advocate.

The learned counsel for the petitioner has referred to Annexure-III of the affidavit filed on behalf of the respondent no.3 and it is submitted that as per statement showing status/ progress of the work, the State envisaged that the construction of detention centre at Matia, Goalpara would be completed by September, 2021. In this regard, the learned Advocate General has submitted although he has received specific instruction from the concerned authorities of the Home Department that expeditious steps are being taken to complete the construction work of the detention centre within a period of 1 (one) month, but as a matter of abundant caution, the learned Advocate General has prayed for allowing 6 (six) weeks time to the State to complete the construction of the proposed detention centre and to shift the detenués of the various detention centers in the proposed detention centre, now under construction at Matia, Goalpara.

The learned Advocate General has also submitted that as per the statement made in the affidavit filed on 08.04.2021, there were a total 333 numbers of detenués in various detention centers of the State, but at present, there are about 177 detenués in various detention centers. It is also submitted that majority of those remaining detenués have not been able to provide the necessary documents, which the State is presently insisting for releasing the said detenués.

Be that as it may, as the Court does not find the prayer of the learned

Advocate General to be unreasonable, the Court is inclined to grant 45 (forty five) days time as prayed to the State as to complete the construction of the proposed detention centre and to shift the detenues to the said centre.

The respondent no.3 shall file an updated status report at the end of 45 (forty five) days.

List on 30.09.2021.

JUDGE

Comparing Assistant