

GAHC010240992022



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

Case No. : WP(C)/7702/2022

LAL BHANU BIBI

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 ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001.

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

4:THE STATE COORDINATOR OF NRC
ASSAM
BHANGAGARH
IN THE DISTRICT OF KAMRUP(METRO)
ASSAM
GUWAHATI- 781005.

5:THE DEPUTY COMMISSIONER
DHUBRI

DISTRICT- DHUBRI
ASSAM.

6:THE SUPERINTENDENT OF POLICE (BORDER)
DHUBRI
DISTRICT- DHUBRI
ASSAM.

7:THE FOREIGNERS TRIBUNAL-2
DHUBRI
DISTRICT- DHUBRI
ASSAM

Advocate for the Petitioner : MR B KHAKHLARY

Advocate for the Respondent : D.Y.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 29.03.2023.
(A.M. Bujor Barua, J)

The respondents in the Home Department, Government of Assam to show cause by filing an affidavit as to why the Member of Foreigners' Tribunal No.2, Dhubri, namely, Mr. A.N. Baruah behaved in a manner that when the writ petitioner reported back to the Tribunal that she is not the person to whom the notice was intended, the Tribunal without any reason did not even look into the said aspect raised but by the order dated 26.05.2022, compelled the petitioner to discharge the burden under Section 9 of the Foreigners Act, 1946 that she is not a foreigner.

The implication thereof would be that the suspected foreigner to whom the notice was actually issued is allowed to go scot free by the Tribunal, whereas another person who is not referred to be a foreigner is now compelled to discharge the burden that she is not a foreigner.

The Home Department to also inform the Court as to what rectification action has been taken

in this matter.

The Secretary to Government of Assam in the Home Department to file the affidavit.

In the meantime, no coercive action shall be taken against the petitioner.

List the matter on 06.04.2023.

A copy of the order be furnished to Mr. G. Sarma, learned counsel for the Home Department.

JUDGE

JUDGE

Comparing Assistant

