



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 : 04.06.2025
(K.R. Surana, J)

Heard Mr. HRA. Choudhury, learned senior counsel assisted by Mr. A.W. Aman, learned counsel for the petitioner. Also heard Mr. RKD. Choudhury, learned Dy. SGI for respondent no.1; Mr. B. Gogoi, learned standing counsel for respondent nos. 2,3 and 4; Mr. J. Payeng, learned standing counsel for the respondent nos. 5,6 and 7.

2. Pursuant to order dated 29.05.2025, the learned standing counsel for the FT matters has submitted that as per instructions received by him, the petitioner's uncles, namely, Md. Abu Bakkar and Akbar Ali, who have been taken into custody are presently lodged at Holding Centre at 7th Assam Police Battalion, Saraikhola, Kokrajhar.

3. On such disclosure being made, the Court is inclined to grant to the

petitioner visitation right to the said two detained person on the strength of a certified copy of this order. The official who is in-charge of the Holding Centre and/ or having the custody of said Md. Abu Bakkar and Akbar Ali, shall on production of a certified copy of this order, permit visitation right to the petitioner.

4. At this juncture, the Court is inclined to extract the copy of order dated 10.05.2019 passed by the Hon'ble Supreme Court of India in W.P.(Civil) No.1045/2018.

We have heard learned counsels for the parties. Insofar as the larger issue, namely, deportation of declared foreigners and setting up of additional Foreigners Tribunals in the State of Assam is concerned, upon hearing Mr. Tushar Mehta, learned Solicitor General, appearing for the State of Assam, we are of the view that the State should be given some further time to indicate the progress made on the diplomatic level etc.. Further, we would require the State to place on record a detailed scheme, in consultation with the Gauhati High Court (on the administrative side), with regard to the constitution of Foreigners Tribunals including appointment of Members, staff etc. The said details shall be placed on record as soon as possible and if required, the State will be at liberty to make a mention of the matter before the Vacation Bench.

Insofar as the release of detenues who have served long period of detention in the detention centre awaiting their deportation is concerned, we are of the view that detenues who have completed more than three years may be released, subject to the following conditions:-

- (a) Execution of bond with two sureties of Rs.1,00,000/- (Rupees one lakh only) each of Indian citizens;*
- (b) He or she specifies verifiable address of stay after release;*
- (c) Biometrics of his/her iris (if possible) and all ten fingerprints and photos shall be captured and stored in a secured database before release from the detention centres. He or she shall report once every week to the Police Station specified by the Foreigners Tribunal;*
- (d) He or she shall notify any change of his or her address to the specified Police Station on the same day, and*
- (e) A quarterly report to be submitted by the Superintendent of Police (Border) to the Foreigners Tribunal regarding appearance of such released*



declared foreigner to concerned Police Station and in case of violation of condition, the DFN will be apprehended and produced before Foreigners Tribunal.

Matter be listed in the month of July, 2019 unless otherwise mentioned by the learned counsel for the State.

5. As notice has already been issued by order dated 29.05.2025, the respondents and the Home Department/ respondents nos. 2 to 7 shall file an affidavit regarding apprehending and the detaining of the petitioner's in the Holding Centre at 7th Assam Police Battalion, Saraikhola, Kokrajhar i.e 1(one) prior to the next date of listing.

6. List the matter on 16.06.2025.

JUDGE

JUDGE

Comparing Assistant