



GAHC010122372025



2025:GAU-AS:8263-DB

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

Case No. : W.P.(CrI.)/22/2025

MOZIDA BEGUM
W/O LT ANOWAR HUSSAIN D/O LT KOKSED ALI R/O VILL MILAN NAGAR
SANTIPUR PO BALADMARI PS AND DIST GOALPARA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 OTHERS
REP BY THE SECRETARY TO THE MINISTRY OF HOME AFFAIRS, GOVT OF
INDIA, NEW DELHI 01

2:THE STATE OF ASSAM
REP BY THE COMMISSIONER AND SECRETARY TO THE DEPTT OF HOME
AFFAIRS GOVT OF ASSAM DISPUR GUWAHATI 6

3:THE SUPERINTENDENT OF POLICE (BORDER)
PO AND DIST GOALPARA ASSAM PIN 783101

4:THE DISTRICT COMMISSIONER
GOALPARA
PO AND DIST GOALPARA ASSAM PIN 783101

5:THE DISTRICT COMMISSIONER
KAMRUP METRO
PO HENGRABARI AND DIST KAMRUP M ASSAM PIN 781036

6:THE DEPUTY COMMISSIONER OF POLICE BORDER
KAMRUP METRO
PO ULUBARI DIST KAMRUP M ASSAM PIN 78100

Advocate for the Petitioner : MR. A R SIKDAR, MR. S I TALUKDAR,MS M SARMA,J A SIKDAR



Advocate for the Respondent : D.Y.S.G.I., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20.06.2025

(K.R. Surana, J)

Heard Mr. J.A. Sikdar, learned counsel for the petitioner. Also heard Mr. M.R. Adhikari, learned CGC; Mr. M. Islam, learned counsel on behalf of Mr. A.I. Ali, learned standing counsel for the ECI; Mr. J. Payeng, learned standing counsel for the FT matters and NRC; and Mr. P. Sarma, learned Additional Senior Govt. Advocate for the State respondent.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner had prayed for a writ of *Habeas Corpus inter alia*, seeking direction for release of the son of the petitioner, namely, Hasinur @ Hachinur who was taken into custody on 25.05.2025 at about 11:00 AM by the Border Police under the Superintendent of Police (Border), Goalpara and was subsequently lodged at the Kokrajhar Holding Centre C/O 7th Assam Police Battalion, Charaikhola in the district of Kokrajhar. It may be stated that by virtue of an opinion dated 17.12.2018, passed by learned Member, Foreigners Tribunal 2nd, Kamrup (M), Guwahati in F.T. Case No. 600/2017. Assailing the said opinion the son of the petitioner had filed a writ petition which was registered and numbered as WP(C) 2546/2020.

3. By an order dated 07.06.2021, passed by the Division Bench of this Court in said WP(C) 2546/2020, owing to Covid-19 pandemic situation, the son of the petitioner was granted bail on conditions as contained in the order dated



15.04.2020, passed in WPC (Suo Motu) 01/2020.

4. The learned counsel for the petitioner has submitted that the son of the petitioner had complied with the directions as contained in the order dated 15.04.2020 passed in WP(C) (Suo Motu) 01/2020, yet, the son of the petitioner was arrested despite the order of bail passed by this Court. Accordingly, it submitted that the son of the petitioner would be entitled to monetary compensation.

5. This writ petition was filed on 04.06.2025 and this matter was listed on 06.06.2025 and accordingly, a notice was issued including the notice for prayer of bail. By order dated 11.06.2025, this Court has granted visitation right to the petitioner i.e is son with at least 2(two) family members and by order dated 16.06.2025, this Court had granted bail to the son of the petitioner.

6. The learned standing counsel for the FT matters has produced a copy of inter-departmental communication dated 19.06.2025, made by the Senior Superintendent of Police, addressed to the Inspector General of Police (Border), Assam informing the said authority that in compliance with the said order of the Court the son of the petitioner was released on 19.06.2025 after proper medical check-up, verification of the certified copy of the order etc.

7. The learned counsel for the petitioner, on instruction, has also submitted that the son of the petitioner has since been released on bail.

8. Accordingly, the Court takes note, that the Superintendent of Police (Border), Goalpara has complied with the order of the Court though there was an admitted default on part of the establishment of the said authority to have arrested the son of the petitioner, namely, Hasinur @ Hachinur on 25.05.2025, despite the order of bail dated 07.06.2021, passed by this Court in WP(C) 2546/2020.



9. In view of the fact that the challenge to the impugned opinion passed by the learned Member Foreigners Tribunal 2nd, Kamrup (M), Guwahati is currently pending before this Court in the proceedings WP(C) 2546/2020, prayer for compensation to the petitioner is refused.
10. The learned standing counsel for the FT matters shall transmit a downloaded copy of this order to the respondent authorities.
11. As the son of the petitioner is released, this *Habeas Corpus* petition has served its purpose and accordingly, this matter is closed.

JUDGE

JUDGE

Comparing Assistant