

WP(C) 3610/2013
BEFORE
THE HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. M.A. Sheikh, learned counsel for the petitioner. Also heard Mr. M. Bhagabati, learned counsel representing the respondents. This writ petition is directed against the order dated 14.2.2005 passed by then IM(D)T, Barpeta in case No. 2653/2003 in reference no. 9228/98 (Union of India Vs. Amela Khatun). By now more than 8(eight) years have gone by and there is absolutely no explanation as to the cause of delay of eight years in filing the writ petition.

Against the said order of the then IM(D)T, the petitioner had preferred an appeal before the appellate Tribunal which was registered and numbered as Appeal Case No. 11/2005. However, as per the judgement in Sarbananda Sonowal Vs. Union of India reported in AIR 2005 SC 2920, the IM(D)T Act stood repealed and all appeals pending before the appellate tribunal stood abated. If the petitioner was aggrieved by the order dated 14.02.2005, ought to have pursued such legal remedy as might be available to her. However, she did nothing and merrily sat over the matter and now has filed this writ petition on 21.6.2013 without explaining and or furnishing any ground of the delay in approaching the Writ Court. As a rule of prudence, the Writ Court should not exercise jurisdiction on a writ petition that is filed after considerable delay and / or sitting over the grievance, if any.

In view of the above, the writ petition stands dismissed. The Deputy Commissioner, Barpeta, shall ensure deletion of the name of the petitioner from the voter list, if any. The Superintendent of Police (B), Barpeta shall ensure detention of the petitioner in the detention camp till her deportation to her country of origin.

Let a copy of this order be furnished to Mr. M. Bhagabati, learned State Counsel, for his necessary follow up action.