

GAHC010245182018



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

**Case No. : I.A.(Civil) 3849/2018**

1:HARISA KHATUN  
W/O NAUSHAD ALI R/O GHEHUA CHALCHALI, P.O. DIGHALI,  
P.S.RUPAHIHAT DIST-NAGAON, ASSAM, PIN- 782125

VERSUS

1:THE UNION OF INDIA AND 5 ORS.  
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, DEPARTMENT OF  
HOME AFFAIRS, NEW DELHI- 110001.

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

3:THE STATE OF ASSAM  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF HOME

DISPUR  
GUWAHATI-06.

4:THE DEPUTY COMMISSIONER  
NAGAON

P.O. AND P.S. NAGAON

DIST. NAGAON  
ASSAM

5:THE SUPERINTENDENT OF PLICE (B)  
NAGAON  
P.O. AND P.S. NAGAON

DIST. NAGAON  
ASSAM

6:THE STATE COORDINATOR  
NRC  
G.S. ROAD

BHANGAGARH  
GUWAHATI -05

**Advocate for the Petitioner** : MR. N HOQUE

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

**BEFORE**  
**HON'BLE MR. JUSTICE MANOJIT BHUYAN**  
**HON'BLE MR. JUSTICE NANI TAGIA**

**O R D E R**

30.11.2018

**(Manojit Bhuyan, J)**

Heard Mr. N. Hoque, learned counsel for the petitioner as well as Ms. G. Sharma, learned counsel for respondent no.1; Ms. N. Upadhayay, learned counsel for respondent no.2; Mr. J. Payeng, learned counsel for respondent nos.3, 4 & 5 and Ms. U. Das, learned counsel representing the respondent no.6.

This is an application seeking correction of the inadvertent error occurring in the operative part of the order dated 24.09.2018. The writ petition was filed challenging the opinion rendered by the Foreigners' Tribunal-3<sup>rd</sup>, Nagaon in respect of F.T. Case No.NFT(3<sup>rd</sup>) (D)198/15. However, while setting aside the opinion dated 04.08.2017 we had directed the petitioner to appear before the Foreigners' Tribunal, Jorhat on 05.10.2018. The description of the Tribunal is apparently incorrect. In fact, a direction for appearance should have been

made only before the Foreigners' Tribunal-3<sup>rd</sup>, Nagaon. This being the clear position, we modify the operative part of the order dated 24.09.2018 together with the date of appearance of the petitioner before the Tribunal as below:

“In view of the above, we set aside the impugned order dated 04.08.2017 with direction to the petitioner to appear before the Foreigners' Tribunal-3<sup>rd</sup>, Nagaon on 14.12.2018, on which date she shall file her written statement without fail. No fresh notice is required to be issued by the Tribunal, either for her appearance or for filing written statement. Tribunal shall proceed accordingly and conclude the proceeding within 60(sixty) days from 14.12.2018. We make it clear that if the petitioner defaults in appearing before the Tribunal and to file written statement on 14.12.2018 and/or defaults in participating in the proceeding on the dates to be fixed in the case, it shall be open to the Tribunal to pass such order or orders as may be deemed fit and proper and in accordance with law.”

In view of the above, the Interlocutory Application stands allowed with the modification indicated above. Office to take steps accordingly by bringing in the modification in the records of the writ petition.

**JUDGE**

**JUDGE**

**Comparing Assistant**