

ITEM NO.61

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17574/2017

(Arising out of impugned final judgment and order dated 23-06-2016 in WPC No. 3601/2016 passed by the Gauhati High Court)

MD. JAKIR HUSSAIN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 17-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Ms. Manjeet Chawla, AOR

For Respondent(s) Mrs. Vibha Datta Makhija, Sr. Adv.
Mr. R.K. Verma, Adv.
Ms. Disha Vaish, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Shuvodeep Roy, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1) Heard the learned counsel for the parties.
- 2) We find on a reading of the orders passed in this case that the 19.01.2016 order dismissed the petitioner's application after remand solely on the ground of delay as no condonation application had been made.
- 3) The Foreigners Tribunal, thereafter, referred to this order and, therefore, rejected the second application that was made on behalf of the petitioner.
- 4) The High Court, thereafter, dismissed the Writ Petition filed

by the petitioner.

5) We feel that, in the interest of justice, one more opportunity should be granted to the petitioner to appear before the Foreigners Tribunal with whatever documents are in his possession so that he gets at least one hearing on the merits of the case.

6) We, therefore, set aside the order of the High Court and direct the Foreigners Tribunal at Nalbari, Baksa District, Assam to take up the case of the petitioner on an urgent basis.

7) The petitioner is directed to approach the Tribunal within a period of four weeks from today with all documents in his possession.

8) The Special Leave Petition stands disposed of accordingly.

(R. NATARAJAN)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER