

ITEM NO.2

COURT NO.13

SECTION II

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 (Cr1.) No(s). 3679/2020

(Arising out of impugned final judgment and order dated 06-03-2017 in WPC No. 6753/2015 passed by the Gauhati High Court)

AYAB ALI

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ORS.

Respondent(s)

IA No. 166379/2018 - EXEMPTION FROM FILING O.T.
IA No. 166378/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 23-11-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Pijush K. Roy, Adv.
Ms. Kakali Roy, Adv.
Mr. Abhishek Kaushik, Adv.
Mr. Amit Kumar, Adv.
Mr. Dilip Kumar, Adv.
Mr. Rajan K. Chourasia, AOR

For Respondent(s) Mr. Shuvodeep Roy, AOR
Mr. Ishaan Borthakur, Adv.

Ms. Aishwarya Bhati, ASG
Mr. Anmol Chandan, Adv.
Mr. Amit Sharma, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Prashant Singh, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. B. V. Balaram Das, AOR

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

Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Assam, Nagaland, Manipur, Mizoram and Arunachal Pradesh at Guwahati in Writ Petition (Civil) No. 6753/2015, the original Writ Petitioner has preferred the present Special Leave Petition.

At the outset, it is required to be noted that a complaint was lodged by the competent authority before the Foreigners Tribunal, Nagaon, which was registered as F.T. Case No. 144 of 2009. The Notice was served upon the petitioner. He filed his objections dated 19.07.2010. However, no documentary evidences were produced by the petitioner in support of his case that he is a citizen of India by birth. That thereafter, number of opportunities were given by the learned Tribunal, however, the petitioner did not participate in the proceedings before the learned Tribunal and thereafter, by order dated 25.11.2011, the petitioner has been declared as a foreigner. After a period of four years, the order passed by the learned Tribunal declaring the petitioner as foreigner came to be challenged before the High Court. By the impugned judgment and order, the High Court has dismissed the same on the ground of delay and laches.

We have heard learned counsel for the respective parties at length. Apart from the fact that along with the objections dated 19.07.2010, the petitioner did not produce any documentary evidences in support of his case that he is the citizen of India by birth or otherwise, even we have perused the documents produced before this Court. We are of the opinion that the documents produced do not inspire any confidence and the same, in any way, do not establish and/or prove that the petitioner is the citizen of this country.

Under the circumstances, the order passed by the learned Foreigners Tribunal declaring the petitioner as foreigner is not required to be interfered with. Under the circumstances, there is no substance in the present Special Leave Petition, which deserves to be dismissed and is, accordingly, dismissed. Now once the petitioner is declared as a foreigner, necessary consequences in accordance with law shall follow.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER