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

Case No : WP(C)/6012/2023

TARA BHANU
W/O- AIAL HOQUE @ AYEL HOQUE

VILL- GELAIDINGI

P.S- MANGALDAI

DIST- DARRANG
ASSAM

PIN-784125

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
SASTRI BHAWAN
NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
DARRANG
ASSAM
PIN-784125

4:THE SUPERINTENDENT OF POLICE (B)
DARRANG
ASSAM
PIN-784125

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI-110001

6:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
BHANGAGARH
GUWAHATI-05
DIST- KAMRUP (M)

Advocate for : MR. A M AHMED
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 09.10.2026
(K.R. Surana, J)

Heard Ms. P. Das, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned CGC; Mr. G. Sharma, learned standing counsel for the FT and Border matters; Mr. N. Kalita, learned counsel on behalf of Mr. A.I. Ali, learned standing counsel for the ECI; and Mr. P. Sarmah, learned Addl. Junior Govt. Advocate for the State respondent.

2. In brief, the case of the petitioner is that by an opinion dated 31.05.2018, passed by the learned Member, Foreigners' Tribunal (1st), Mangaldai, Darrang, Assam, in Case No. 704/12, reference case No. I.M.(D)T. 6675/98, the petitioner namely, Tara Bhanu @ Tara Bhan was declared to be a

foreigner of post 25.03.1971 stream. The said opinion was put to challenge by filing WP(C)/4300/2018, which is pending for disposal before this Court. During the pendency of the said WP(C)/4300/2018, the petitioner has been served with notice of another proceedings of Case No. F.T.5/2017, (S.P. Case No. 859/16), issued by the learned Foreigners Tribunal (1st), Darrang, Mangaldai requiring appearance of the petitioner to prove her citizenship under Section 9 of the Foreigners Act, 1946.

3. Accordingly, on the ground of application of *res judicata* in the subsequent proceeding, the present writ petition has been filed under Article 226 of the Constitution of India.

4. Pursuant to order passed earlier, by this Court on 16.10.2023 in connected WP(C)/6012/2023, the Superintendent of Police (Border), Darrang, Mangaldai had made an enquiry and has submitted a report vide Memo No. MLD(B) /WP(C) /6012/2023 /2023 /864, dated 01.11.2023, wherein it is stated that Tara Bhanu @ Tara Bhan, wife of Ayel Hoque @ Aial Hoque is same and one person. The contents of the said report is extracted hereinbelow:-

Government of Assam

OFFICE OF THE SUPERINTENDENT OF POLICE (B)::DARRANG::MANGALDAI

MEMO No. MLD(B)/WP(C)/6012/2023/2023/864 DTD. 01/11/2023

To,

Mr. Gunjan Sarma,
Learned Special Standing Counsel, FT & Border,
Gauhati High Court
Email ID: gunjansarma98@gmail.com

Sub: Furnishing Report.

Ref: WP(C)/6012/2023 Order dated 16/10/2023.

Sir,

Kind reference to the subject cited above, I am furnishing herewith the report submitted by SI(B) Satish Ch. Rabha of Mangaldai PS (B) in connection with above reference WP(C). As per report submitted by

SI(B) Satish Ch. Rabha the petitioner namely Tara Bhanu @ Tara Bhan W/o: Ayel Hoque @ Aial Hoque is the same and one person in Case No. of FT(1st) Darrang 704/2012, corresponding to IM(D)T 6075/1998 linked with 4300/2018 and FT(1st) Darrang Case No. 5/2017, SPE No. 859/2016. All the relevant documents in connection with enquiry report are kept in this office.

Submitted for favour of kind information and necessary action.

Yours faithfully,
Superintendent of Police (B)
Darrang, Mangaldai

MEMO NO. MLD(B)/WP(C)/6012/2023/2023/864-A DTD. 01.11.2023

Copy forwarded for favour of kind information to

1. *Learned Member Foreigners Tribunal (1st), Darrang, Mangaldai.*

Superintendent of Police (B)
Darrang, Mangaldai

5. In view of above, having heard the learned standing counsel for the FT and Border matters, the Court is of the considered opinion is that in view of the ratio laid down in the case of *Abdul Kuddus Vs. Union of India & Ors., (2019) 6 SCC 604,* which has been followed by this Court, the Court is inclined to provide that in view of the report submitted by the Superintendent of Police (Border), Darrang, Mangaldai, which is quoted has been this order, the matter be remanded back to the learned Member, Foreigners Tribunal (1st), Darrang, Mangaldai and the said learned Tribunal, may examine the authenticity of the said communication dated 01.11.2023 and the said report is found to be correct, in that event the principles of *res judicata* would apply in the subsequent proceedings and accordingly, the learned Member, Foreigners Tribunal (1st), Darrang, Mangaldai shall apply the said principles and close the

subsequent proceeding.

6. The petitioner who is duly represented by her learned counsel is directed to appear before the said learned Tribunal on or before 20.11.2026 and by producing a certified copy of the order and await any further orders which is required to pass by the said learned Tribunal.

7. This writ petition stands disposed of in terms of directions contained above.

8. The learned standing counsel for the FT and Border matters shall send a downloaded copy of this order to the Home and Political (B) Department and Superintendent of police (Border), Darrang, Mangaldai for their record.

9. The said communication dated 01.11.2023 is hereby made a part of record.

JUDGE **JUDGE**

Comparing Assistant