

ITEM NO.3

COURT NO.1

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.23127/2018

(Arising out of impugned final judgment and order dated 07.05.2018 passed by the Gauhati High Court at Guwahati in Writ Petition (C) No.1073/2016)

ABDUL KUDDUS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T., permission to file additional documents/facts and exemption from filing O.T.)

WITH Diary No.25095/2017 (XIV)

(With appln.(s) for c/delay in filing SLP and permission to file additional documents/facts/Annexures)

Diary No.25101/2017 (XIV)

(With appln.(s) for c/delay in filing SLP and exemption from filing c/c of the impugned judgment)

S.L.P.(C) No.25052/2017 (XIV)

(With appln.(s) for exemption from filing O.T., permission to file additional documents/facts/Annexures)

S.L.P.(C) No.2512/2018 (XIV)

S.L.P.(C) No.5342/2018 (XIV)

Diary No.26459/2018 (XIV)

(With appln.(s) for c/delay in filing SLP, c/delay in refileing and permission to file additional documents/facts/Annexures)

S.L.P.(C) No.26935/2018 (XIV)

(With appln.(s) for exemption from filing O.T. and interim relief)

S.L.P.(C) No.3774/2019 (XIV)

(With appln.(s) for permission to file additional documents/facts/Annexures and exemption from filing O.T., c/delay in filing SLP and for appropriate orders/directions)

Diary No.1191/2019 (XIV)

(With appln.(s) for c/delay in filing SLP, permission to file additional documents/facts/Annexures and exemption from filing O.T.)

Diary No.4112/2019 (XIV)

(With appln.(s) for c/delay in filing SLP)

S.L.P.(C) No.4704/2019 (XIV)

(With appln.(s) for permission to file additional documents/facts/Annexures, exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Diary No.5071/2019 (XIV)

(With appln.(s) for permission to file additional documents/
facts/Annexures and exemption from filing O.T.)

S.L.P.(Cr1) No.2058/2019 (II)

(With appln.(s) for permission to file additional documents/
facts/Annexures)

S.L.P.(C) No.5367/2019 (XIV)

(With appln.(s) for permission to file additional documents/
facts/Annexures)

S.L.P.(C) No.6570/2019 (XIV)

(With appln.(s) for permission to file additional documents/
facts/Annexures)

Date : 26-03-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
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Ms. Tehsheena Z. Hussain, Adv.
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Ms. Kunika, Adv.
Mr. Lalrotluangi, Adv.
Ms. Aditi gupta, Adv.
Mr. Ibad Mushtaq, Adv.

Mr. Abhishek Sarkar, Adv.
Ms. Heena K., Adv.
Mr. Avijit Roy, AOR

Mr. Sanjay Hegde, Sr. Adv.
Mr. Anas Tanwir, Adv.
Ms. Pranjal Kishore, Adv.
Ms. Kamakshi S. Mehlwal, AOR
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Mr. Mrigank Prabhakar, AOR
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For Respondent(s) Mr. Tushar Mehta, SG
Mr. V.K. Nair, Sr. Adv.

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Mr. Rijuk Sarkar, Adv.

Mr. Tushar Mehta, SG
Mr. A.N.S. Nadkarni, ASG
Ms. Madhavi Divan, ASG
Ms. Aishwarya Bhati, Adv.
Mr. Rajat Nair, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Avijit Roy, AOR

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

The matters were listed today for consideration as to whether a judicial determination of a person being foreigner, would stand superseded if the name of same person is included in the draft/final NRC.

While the State of Assam and the Government of India has submitted that as per the provisions of paragraph 3(2) of the Schedule of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the judicial verdict would prevail and endure notwithstanding the executive exercise of preparing NRC list, Shri. Kapil Sibal, learned senior counsel appearing for the petitioners in the special leave petitions would like to argue that if the name of a person included in the NRC is deleted on the ground that he was a foreigner or an illegal migrant, he would have a right of appeal or right to approach the appropriate forum, as the case may be, against the exclusion/dropping of his name from the NRC. Shri Sibal has further submitted that against such an exercise though the statute may not have provided a remedy of appeal, such a remedy may be carved out by this Court in exercise of jurisdiction under Article 142 of the Constitution.

**Arguments on the aforesaid issue will continue at
3.00 p.m. on 28th March, 2019.**

**(Chetan Kumar)
A.R. -cum-P.S.**

**(Anand Prakash)
Court Master**