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

Case No. : WP(C)/2207/2025

KAMARDEEN OALADEJI OLADIMEJI
S/O AIHAJI RAHEEM OLADEJI, A CITIZEN OF NIGERIA, PRESENTLY
DETAINED AT THE TRANSIT CAMP, MATIA, GOALPARA, ASSAM, PIN
783125

VERSUS

THE UNION OF INDIA AND ANR
REP BY THE SECRCETARY TO THE GOVT. INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI. PIN 110001

2:THE STATE OF ASSAM
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPT.
DISPUR
GUWAHATI- 78100

Advocate for the Petitioner : TAWHID LASKAR, MR. D K AGARWALA,A BORBHUYAN

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.05.2025

(K.R. Surana, J)

Heard Mr. D.K. Agarwala, learned counsel for the petitioner. Also heard Mr. M.R. Adhikari, learned CGC for the respondent no.1; and Mr. P. Sarmah, learned Additional Senior Govt. Advocate for the respondent no.2.

2. Referring to the order dated 28.04.2025, the learned CGC has submitted that he has communicated the said order to the competent authorities in the Ministry of Home Affairs, Govt. of India as well as Ministry of External Affairs, Govt. of India to bring to their notice that the petitioner herein, who claims to be a citizen of Federal Republic of Nigeria was taken into custody on 12.11.2020 for entering into India without any valid travel document and produced before the Court on 13.11.2020. By an order dated 18.08.2021, he was convicted by the learned Judicial Magistrate First Class (II), Karimganj to suffer simple imprisonment for 6 (six) months and to pay fine of Rs.2000/- for offence under section 14 of the Foreigners Act, 1946, and was further sentenced to 6 (six) months simple imprisonment and fine of Rs.2000/- for offence under section 6 of the Passport (Entry Into India) Rules, 1950.

3. Therefore, it is seen that by the time the order and sentence was passed, the petitioner had already served his sentence as on 13.05.2021. Thus, as on the date of this order, the petitioner has spent 1457 days in illegal detention.

4. It is submitted by the learned CGC that a reminder was also issued on

08.05.2025. However, it is submitted that perhaps due to the current situation in the Country, the authorities have not yet responded to his letter.

5. At this stage, the learned counsel for the petitioner has submitted that as the counsel for the petitioner, he has interacted with the authorities in the Embassy of Federal Republic of Nigeria on 07.05.2025 and he has been apprised that if an application is made on behalf of the petitioner, subject to interview, which can be held online, the said Embassy can consider issuance of Emergency Travel Certificate and/or travel document by any other name if the Passport of the petitioner has already expired. Accordingly, he prays that the said liberty of video interaction with the Embassy of Federal Republic of Nigeria be granted to the petitioner, which can be facilitated by the Superintendent of the Transit Camp at Matia, Goalpara, where the petitioner is currently lodged.

6. Taking note of the fact that the petitioner has already spent 1457 days in illegal detention, the Court is inclined to order as follows:

I. That the Ministry of Home Affairs, Govt. of India and/or Ministry of External Affairs, Govt. of India would make an endeavour to do the needful in respect of the petitioner, namely, Kamardeen Oaladeji Oladimeji, for taking up the matter with the Embassy of the Federal Republic of Nigeria for sending back the petitioner to his own Country of origin.

II. In the event the authorities in the Ministry of Home Affairs, Govt. of India and/or Ministry of External Affairs, Govt. of India are unable to interact with the Embassy of Federal Republic of Nigeria for any reason whatsoever within a period of 7 (seven) days from

today, the Superintendent of Transit Camp at Matia, Goalpara on expiry of 7 (seven) days from the date of this order, facilitate the interaction of the petitioner, namely, Kamardeen Oaladeji Oladimeji with the Federal Republic of Nigeria by video conferencing mode so that the Embassy officials of the Federal Republic of Nigeria can interact with the petitioner so as to facilitate Emergency Travel Certificate and/or travel document by any other name.

III. In the event the Emergency Travel Certificate and/or travel document by any other name is issued by the Embassy of Federal Republic of Nigeria, the Home & Political (B) Department, Govt. of Assam shall make arrangement for transportation of the petitioner from Transit Camp at Matia, Goalpara to the L.G.B.I. Airport, Guwahati, through which the petitioner would be able to travel to New Delhi and/or any other International Airport to leave for his home Country.

IV. For this, appropriate coordination would be made with the State/City where the petitioner would be received for onward travel to his Country of origin.

V. We make it clear that the petitioner has to make his travel arrangement on his own.

7. The petitioner shall produce a certified copy of this order before the Superintendent of Transit Camp at Matia, Goalpara to bring the order to the notice of the said authority.

8. The learned CGC shall also transmit a downloaded copy of this order

to the Ministry of Home Affairs, Govt. of India and/or Ministry of External Affairs, Govt. of India to bring the order to the notice of the concerned authorities.

9. The State as well as the appropriate authorities in the Home & Political (B) Department, Govt. of Assam; Secretary to the Govt. of India, Ministry of Home Affairs; and the Secretary to the Govt. of India, Ministry of External Affairs shall specifically take note of the fact that the sentence of the petitioner was served on 13.05.2021 and therefore, the petitioner is in illegal detention for 1457 days. Therefore, if the appropriate actions are not taken within the due time, the said authorities are put to notice that the Court would be compelled to release the petitioner unconditionally, which would be at the risk and cost of the said authorities.

10. List the matter on 30.05.2025.

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