

GAHC010012032017



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

Case No. : WP(C)/681/2017

FATIMA BEGUM
D/O LT. ABDUL MATIN W/O SAHAB UDDIN R/O VILL- NAIRGRAM P.O., P.S.
and DIST. KARIMGANJ, ASSAM.

VERSUS

THE UNION OF INDIA and 3 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, SHASTRI BHAWAN, NEW DELHI.

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

3:THE DEPUTY COMMISSIONER

KARIMGANJ
P.O. and DIST. KARIMGANJ
ASSAM.

4:THE SUPERINTENDENT OF POLICE B
KARIMGANJ P.O. and DIST. KARIMGANJ
ASSAM

Advocate for the Petitioner : MR.N HAQUE

Advocate for the Respondent : GA, ASSAM

BEFORE

**HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HON'BLE MR. JUSTICE ROBIN PHUKAN**

O R D E R

30.03.2023

(A.M. Bujor Barua, J)

Heard Mr. N Haque, learned counsel for the petitioner. Also heard Ms. L Devi, learned CGC appearing on behalf of respondents in the Union of India as well as for the authorities in the NRC, Ms. A Verma, learned counsel for the State respondents in the Home Department of Government of Assam, Mr. T Pegu, learned counsel for the Election Commission of India and Mr.NK Das, learned counsel for the Deputy Commissioner, Karimganj.

2. The petitioner Fatima Begum had been referred to the Foreigners Tribunal No. 1, Karimganj for rendering an opinion as to whether she is a person who entered the State of Assam from the specified territory on or after 25.03.1971 resulting in registration of FT Case No. 674/2012, wherein an opinion dated 29.07.2016 was given that the petitioner is a foreigner. Being aggrieved, this writ petition is instituted.

3. In the writ proceeding, the petitioner relies on the voters list of 1966 of Badarpur Town, Ward No. 2 under police station Badarpur in the Karimganj district, which contains the name of A. Matin, son of Jobed Ali at serial No. 1497. The petitioner also relies upon the copy of the entries of marriage, which contains the name of the bride to be Musstt. Fatima Begum, daughter of late Abdul Matin, village Deorail, post office and police station Badarpur, district Karimganj. Accordingly, the petitioner claims that she is the daughter of A. Matin of the voters list of 1966 of Badarpur town Ward No. 2.

4. In view of the materials being available on record, the matter is remanded back to the Tribunal to examine as to whether Abdul Matin of village Deorail, post office and police station Badarpur as per the entry under the register of marriage and A. Matin, son of Jobed Ali of the voters list of 1966 of Badarpur Town, ward No. 2 at serial No. 1497 are one and the same person and also as to whether Badarpur Town Ward No. 2 and village Deorail are also in the same place. Upon examining the same, the Tribunal shall pass a reasoned order. In doing so, the State authorities may also make their own verification and enquiry on the authenticity of the aforesaid information.

5. If the reasoned order is in favour of the petitioner, the same shall prevail over the earlier opinion dated 29.07.2016. If the reasoned order goes against the petitioner, consequence as per law shall follow.

6. The petitioner shall appear before the Foreigners Tribunal No. 1, Karimganj on 08.05.2023. Till the reasoned order is passed, no coercive action be taken against the petitioner.

7. The writ petition is allowed as indicated above.

Send back the LCR immediately.

JUDGE

JUDGE

Comparing Assistant