

GAHC010017332023



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

Case No. : WP(C)/641/2023

MAZIRAN NESSA@MUSTT MOJIRAN NESSA
D/O- MOSTAFA KAMAL @ MOSTAFA, W/O- ABUSAMA, R/O- VILL-
KHARBALLI, P.O- KALGACHIA, MOUZA- RUPSHI, P.S- KALGACHIA, DIST-
BARPETA, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY, MIN OF HOME AFFAIRS, GOVT OF INDIA,
SHASTRI BHAWAN, NEW DELHI- 110001

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT OF ASSAM
HOME DEPTT
DISPUR
GUWAHATI- 781006

3:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSION
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

4:THE STATE COORDINATOR
NRC
ASSAM
1ST FLOOR
ACHYUT PLAZA
GS ROAD
BHANGAGARH
GUWAHATI
ASSAM

PIN- 781005

5:THE DEPUTY COMMISSIONER
BARPETA
P.O- BARPETA
DIST- BARPETA
ASSAM
PIN- 781301

6:THE SUPERINTENDENT OF POLICE (B)
BARPETA
P.O- BARPETA
DIST- BARPETA
ASSAM
PIN- 781301

7:THE OFFICER IN CHARGE
OF KALGACHIA POLICE STATION
P.O- KALGACHIA
DIST- BARPETA
ASSAM
PIN- 78131

Advocate for the Petitioner : MS. D GHOSH

Advocate for the Respondent : MS. D GHOSH

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08.02.2023
(A.M. Bujor Barua, J)

Heard Ms. D Ghosh, learned counsel for the petitioner. Also heard Ms. L Devi, learned counsel for the respondents no. 1 and 4 being the authorities under the Union of India and NRC, Ms. A Verma, learned counsel for the respondents no. 2, 6 and 7 being the authorities under the Home Department of the Government of Assam, Mr. A Ali, learned counsel for the respondents no. 3 being the Election Commission of India and Ms. U Das, learned counsel for the respondent no. 5 being the Deputy Commissioner, Barpeta.

2. The petitioner Maziran Nessa @ Mustt. Mojiran Nessa was referred for an opinion as to whether she is a person who entered the State of Assam from a specified territory subsequent to 25.03.1971 resulting in registration of FT Case No. 1026/2017 in Foreigners' Tribunal No. 11, Barpeta. The petitioner claims to be the daughter of Mustafa Kamal whose name appeared in the voters' list of 1985 of village Nichuka and further that the name of Fajar Ali Miya the grandfather of the petitioner appears in the voters' list of 1970 also of village Nichuka.
3. The petitioner claims that she has the Kabin Nama in respect of her marriage which indicates that her father is Mustafa Kamal of village Nichuka and also refers to the school certificate which shows that she is the daughter of Mostafa Ali of village Nichuka.
4. In view of the existence of Kabin Nama and school certificate we remand the matter back to the Foreigners' Tribunal No. 11, Barpeta for giving an opportunity to the petitioner to exhibit the Kabin Nama which may indicate that the father of the petitioner is Mustafa Kamal of village Nichuka as well as to enable the petitioner to examine the Head Teacher of 1993 No. Pub Nichuka LP School from the schools records that her father's name is Mostafa Ali of village Nichuka.
5. The petitioner to appear before the Tribunal on 09.03.2022 and the Tribunal is requested to pass a reasoned order within a period of two months from the date of appearance of the petitioner. The petitioner may also adduce any further material that she may feel necessary for the purpose. Till the reasoned order is passed by the Tribunal no coercive action be taken against the petitioner.

Writ petition stands disposed of in the above terms.

JUDGE

JUDGE

Comparing Assistant