

GAHC010023752018



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

Case No. : WP(C)/856/2018

SOHID AHMED @ SAHID AHMED LASKER
S/O. LATE KHALILUR RAHMAN LASKER, VILL. ALGAPUR, P.S. SILCHAR,
DIST. CACHAR (ASSAM), PIN-788101. PRESENT ADDRESS- VILL.
ISLAMPUR, P.S. MERAPANI, DIST. GOLAGHAT, ASSAM, PIN-785705

VERSUS

THE UNION OF INDIA AND ORS.
REP. BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-110001

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

3:THE DEPUTY COMMISSIONER
GOLAGHAT
DIST. GOLAGHAT
ASSAM
PIN-785621

4:THE SUPERINTENDENT OF POLICE (B)
GOLAGHAT
ASSAM

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI-110001

6:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
BHANGAGARH

GHY-78103

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

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

ORDER

28.04.2023

(AM Bujor Barua, J)

Heard Ms. P Ghosh, learned counsel for the petitioner. Also heard Ms. L Devi, learned CGC for the respondents in the Union of India as well as for the authorities under the NRC, Mr. AI Ali, learned counsel for the authorities under the Election Commission of India, Ms. A Verma, learned Special Standing Counsel, Foreigners Tribunal for the Home Department, Government of Assam as well as the Superintendent of Police (B) Golaghat and Mr. PK Medhi, learned Government Advocate for the Deputy Commissioner, Golaghat.

2. The petitioner, Sohid Ahmed @ Sahid Ahmed Laskar was referred to the Foreigners Tribunal Jorhat, for rendering an opinion as to whether he is a person who had entered the State of Assam on or after 25.03.1971 resulting in the registration of FTG(D) No.373/10 arising out of Police Enquiry No.521/07 wherein an opinion dated 20.12.2017 was rendered declaring the petitioner to be a person who had entered the State of Assam from the specified territory on or after 25.03.1971.

3. Being aggrieved this writ petition is instituted.

4. In the writ proceeding, the petitioner relies upon the voters list of 1966 of village Algapur Pt.I, P.S. Silchar in the Cachar district which contains the name of Khalilur Rahman, son of Monoar Ali at Sl.No.11 and that of Amrun wife of Khalilur Rahman at Sl.No.16. The voters list of 1970 of village Algapur Pt.I also contains the name of Khalilur Rahman, son of Monoar Ali at Sl.No.11 and that of Amrun Bibi wife of Khalilur Rahman at Sl.No.14. The petitioner further relies upon the voters list of 1985 of village Algapur Pt.I which contains the name of Khalilur Rahman, son of Monoar Ali at Sl.No.390 and that of Sahid Ahmed, son of Khalilur Rahman at Sl.No.398. Accordingly, the petitioner claims that the burden under Section 9 of the Foreigners Act 1946 has been discharged by the petitioner.

5. In view of the above, the matter stands remanded back to the Tribunal to examine the voters list of 1966, 1970 and 1985 of Algapur Pt.I and render an opinion as to whether the information contained in the said three voters list do establish that the petitioner is a citizen of India. The respondents in the Home Department, Government of Assam may also make a verification as to whether Sahid Ahmed of the 1985 voters list and the present petitioner/proceedee Sohida Ahmed @ Sahid Ahmed Laskar are one and the same person and as to whether the information contained in the aforesaid voters list is authentic. The respondents in the Home Department may also verify the same by visiting the house of Khalilur Rahman at village Algapur Pt.I or his descendants to verify the aforesaid material.

6. Accordingly, the petitioner shall appear before the Tribunal on 07.06.2023.
7. The Tribunal after undertaking the aforesaid exercises and upon examining the evidences and materials on record shall pass a reasoned order. In the event, the reasoned order is in favour of the petitioner, the same shall prevail over the order dated 20.12.2017 of the Foreigners Tribunal Jorhat, in FTG(D) No.373/10 arising out of Police Enquiry No.521/07 and if it is against the petitioner, consequential action under the law shall follow.
8. Till the reasoned order is passed, no coercive action be taken against the petitioner.
9. Writ petition stands disposed of in the above terms.
10. Send back the LCR.

JUDGE

JUDGE

Comparing Assistant