

GAHC010027832020



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

Case No. : WP(C)/942/2020

SANDU SEIKH @ SANDU MIYA
S/O- LATE TAIZUDDIN, R/O- VILL- NO.3, SHYAMPUR, P.S- DHULA, DIST-
DARRANG, ASSAM, PIN- 784145

VERSUS

THE UNION OF INDIA AND 7 ORS
REP. BY THE SECRETARY OF THE MIN OF HOME AFFAIRS, GOVT OF INDIA,
NEW DELHI- 01

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
HOME DEPTT
DISPUR
GUWAHATI- 06

3:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI- 01

4:THE COORDINATOR
NRC
ASSAM
GUWAHATI
BHANGAGARH- 05

5:THE DEPUTY COMMISSIONER
DARRANG
DIST- DARRANG
ASSAM
PIN- 784125

6:THE SUPERINTENDENT OF POLICE (B)

DARRANG
DIST- DARRANG
ASSAM
PIN- 784125

7:THE OFFICER IN CHARGE
DHULA POLICE STATION
PIN- 784145

8:THE FOREIGNERS REGIONAL REGISTER OFFICE
DARRANG
MANGALDO

Advocate for the Petitioner : MR H BHUYAN

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

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 22.09.2023

(L.S.Jamir, J)

Heard Mr. A.Mahmmad, learned counsel for the petitioner. Also heard Ms. L.Devi, learned CGC for the respondent Nos. 1 and 4; Mr. G.Sharma, learned standing counsel, FT for the respondent Nos. 2, 6, 7 and 8; Mr. T.Pegu, learned standing counsel, ECI for the respondent No.3 and Mr. P.Sharma, learned Addl. Senior Govt. Advocate for the respondent No.5.

2. On reference being made by the Superintendent of Police (B), Darrang, FT(4th) Case No.1041/2015 was registered before the Foreigners Tribunal (4th), Darrang, Mangaldai. Thereafter, notice was served on the proceedee/petitioner and the petitioner appeared before the Tribunal along with his legal counsel and

submitted his written statement. The petitioner also adduced evidence on affidavit along with documents which were relied by him.

3. The petitioner also exhibited the Voter ID of the DW-1 who is the mother of the petitioner as Exhibit-1 and the Voter List of the year 1966 and 1970 as Exhibits 2 and 3. The Residential Certificate of the petitioner was also exhibited as Exhibit-4.

4. Thereafter, the Tribunal by order dated 31.03.2016 came to the conclusion that the petitioner came to Assam on or after 1966. Thereafter, the petitioner namely, Md. Sandu Seikh, S/O Late Tyzuddin, Vill- No.3 Shyampur, P.S- Dhula, Dist Darrang was directed to appear before the concerned authority to register his name and his name will be deleted from the Voter List for a period of 10 years from the date of delivery of the order.

5. It is the case of the petitioner that after the order dated 31.03.2016 was passed, he had no knowledge about the same. However, when the police from Dhula Police Station came to arrest him, the petitioner came to know about the status of his case. Accordingly, the petitioner went to the Tribunal and applied for a certified copy of the order dated 31.03.2016 on 13.11.2019 and received the same on 29.11.2019. After receiving the said order, the petitioner found that he was declared a foreigner of the 01.01.1966 to 25.03.1971 stream and he was directed to appear before the Regional Registrar Office, Darrang, Mangaldai. Accordingly, petitioner approached the said office to register his name on 15.12.2019. However, the said authority declined to register the name

of the petitioner as a foreigner on the ground of delay. Accordingly, petitioner has filed the present writ petition praying for condoning the delay in approaching the concerned authority to register his name in terms of the order dated 31.03.2016 passed in FT (4th) Case No. 1041/2015.

6. Mr. G.Sharma, learned standing counsel, FT has drawn the attention of this Court to Rule 19 (2) of the Citizenship Rules, 2009 which provides that an application for registration by the person to the registering authority should be ordinarily done within a period of 30(thirty) days. It further provides that the registering authority may for reasons to be recorded in writing, extend the said period to such further period as may be justified in each case but not exceeding sixty days. He therefore submits that as the petitioner has explained the reasons for delay in approaching the concerned authority for registration of his name, the delay may be condoned by giving a specified period of time to the petitioner for registration of his name.

7. After hearing the learned counsel for the parties and on perusal of records, particularly, Para No.12 of the writ petition, where the petitioner has given his explanation for the delay in approaching the Registering Authority, we condoned the delay and direct the petitioner to appear before the Registering Authority on or before 6th of November, 2023. Thereafter Registering Authority shall proceed in accordance with law.

After registering the name of the petitioner, the concerned authority shall also proceed for deletion of his name from the Voter List for a period of 10(ten) years as directed by the Foreigners Tribunal in the order dated 30.03.2016.

8. With the above observations and directions, the writ petition stands disposed of.

JUDGE

JUDGE

Comparing Assistant