

GAHC010029322023



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

Case No. : WP(C)/874/2023

JALESWAR BORO
S/O LATE PHATIK BORO, R/O VILL-KRISHNA NAGAR, WARD NO. 05, P.O.
AND P.S.-DHEKIAJULI, DIST-SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
DEPARTMENT OF HOME AFFAIRS, NEW DELHI

2:THE STATE OF ASSAM
REPRESENTED BY SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF HOME AFFAIRS
DISPUR
GUWAHATI-6

3:ELECTION COMMISSION OF INDIA
REP. BY THE COMMISSIONER
NIRBACHAN SADAN
NEW DELHI

4:THE STATE COORDINATOR OF NATIONAL REGISTRATION (NRC)
ASSAM
1ST FLOOR
ACHYUT PLAZA
GUWAHATI-SHILLONG ROAD
BHANGAGARH
GUWAHATI
ASSAM-781005

5:THE SUPERINTENDENT OF POLICE (BORDER)
SONITPUR
DIST-SONITPUR
ASSAM

6:THE DEPUTY COMMISSIONER
SONITPUR
ASSAM
DIST-SONITPUR
ASSAM

7:THE DISTRICT ELECTION OFFICER
SONITPUR
ASSAM
DIST-SONITPUR
ASSA

Advocate for the Petitioner : MR. S BISWAS

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

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

ORDER

Date : 24.02.2023

(A.M. Bujor Barua, J)

Heard Ms. D. Devi, learned counsel for the petitioner and Mr. B. Chakraborty, learned counsel for the respondent No. 1, being the Union of India. Also heard Ms. A. Verma, learned counsel for the respondents No. 2 and 5, being the authorities in the Home Department; Mr. A.I. Ali, learned counsel for the respondent No. 3 and 7, being the Election Commission of India; Ms. L. Devi, learned counsel for the respondent No. 4, being the State Co-ordinator of the NRC and Ms. M. Dutta, learned counsel for the respondent No. 6, being the Deputy Commissioner, Sonitpur.

2. The petitioner is aggrieved to the extent that in the voters' list of 2005 of Dhekiajuli Town Ward No. 5 where the name of the petitioner Jaleswar Boro appears at Sl. No. 577, house No. 379, it shows a mark 'D' against his name. As a consequence, the petitioner is debarred from exercising his voting rights in the

elections. The petitioner in the aforesaid circumstance has approached this Court seeking a direction to the respondents to regularize the status of the petitioner as a voter of 71-Dhekiajuli LAC corresponding to Dhekiajuli Town Ward No. 5.

3. In the writ petition, the petitioner has also annexed as Annexure J at page 33 which is a report on the 'D' voters status of the petitioner dated 17.01.2018 submitted by the Circle Officer, Dhekiajuli Revenue Circle-cum-ERO, 71-Dhekiajuli LAC made to the Election Officer, Tezpur that as per the report of the BLO and AERO regarding the 'D' voter status of the petitioner, the petitioner is an original inhabitant of Assam residing permanently at Dhekiajuli Town Ward No. 5 under Dhekiajuli Revenue Circle and his name also earlier appeared in the voters' list of 1997 under 71-Dhekiajuli LAC in Polling Station No. 58 at Sl. No. 1163 and House No. 379. Accordingly, a request was made by the Circle Officer-cum-ERO to the Election Officer to remove the mark 'D' against the petitioner in the voters' list of 2005.

4. As the authorities had already made an enquiry on the status of the petitioner and arrived at its own conclusion that the petitioner is an inhabitant of Assam and therefore mark 'D' against his name in the voters' list of 2005 was unwarranted, we direct the Election Officer, Tezpur to do the needful and pass a reasoned order pursuant to the communication dated 17.01.2018 of the Circle Officer-cum-ERO. The reasoned order to be passed within a period of one month from the date of receipt of certified copy of this order.

Writ petition stands disposed of as indicated above.

J U D G E

J U D G E

Comparing Assistant