

GAHC010042402017



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

Case No. : WP(C)/6057/2017

ABDUL MANNAN
S/O LATE ABDUL RAHMAN, R/O VILL. PUB JARONI, P.O. KORAIGURI, P.S.
MURAJHAR, DIST. HOJAI, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF
HOME AFFAIRS, NEW DELHI 110001

Advocate for the Petitioner : MR.A RAHMAN

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

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

ORDER

Date : 29.03.2023.
(A.M. Bujor Barua, J)

Heard Mr. FKR Ahmed, learned counsel for the petitioner. Also heard Ms. L. Devi, learned counsel for the respondent No.1 being the Union of India, Mr. G. Sarma, learned Counsel appearing for the Home Department of Government Assam for the respondent No.2 & 4 and Ms. U. Das, learned Advocate for the respondent No.3 being the Deputy Commissioner, Hojai.

2. The petitioner, namely, Abdul Mannan has been referred to the Foreigners' Tribunal No.7, Lanka in Hojai for rendering an opinion as to whether he is a person who had entered the State of Assam from the specified territory on or after 25.03.1971, resulting in registration of F.T./L/ Case No.17/2015. The Tribunal rendered an opinion dated 31.05.2017 declaring the petitioner to be a foreigner. Being aggrieved this Writ Petition is instituted.

3. The petitioner refers to a Voters List of 1956 of Village Pub-Jaroni, Police Station Jamunamukh, Mouza Na-mati of Nagaon District, wherein the name of A. Rahman, son of Ajid appears at Sl. No.32 and that of Duluk Bibi, wife of A. Rahman at Sl. No.33. The petitioner also refers to a Voters List of 1966 of Village Pub-Jaroni, Police Station Murajhar, Mouza Na-mati of Nagaon District, wherein the name Suluk Jan Bibi, wife of A. Rahman appears at Sl. No.250. The petitioner also refers to a Voters List of 1997 of Village Pub-Jaroni, which contains the name of Dulobjan, wife of Abdur Rahman at Sl. No.290 and that of A. Mannan, son of A. Rahman at Sl. No.292 and both are shown to be residing in the same House No.142.

4. The petitioner claims that by virtue of being the son of A. Rahman of the Voters List of 1956, he discharges the burden that he is a citizen of India. It appears that the Tribunal has rejected the claim of the petitioner on the ground that in the Voters List of 1966 the name of his mother is shown as Suluk Jan Bibi whereas in the Voters List of 1997, her name is shown as Dulobjan. The said difference in the name appears more of an incorrect depiction of the name in the Voters List. It is more so, when the name of the mother of the petitioner is shown in the Voters List of 1956 as Duluk Bibi.

5. In the circumstance the matter is remanded back to the Tribunal to examine the Voters List of 1956, 1966 and 1997 of Village Pub-Jaroni and arrive at a reasoned order as to whether the petitioner is a citizen of India. The State respondents may make a verification and produce materials before the Tribunal if Duluk Bibi of Voters List of 1956, Suluk Jan Bibi of Voters List of 1966 and Dulobjan of Voters List of 1997 of Village Pub-Jaroni are different persons.

6. The petitioner to appear before the Tribunal on 06.05.2023. In the event, a reasoned order is passed in favour of the petitioner, the same would prevail over the order dated

31.05.2017, passed in F.T./L/ Case No.17/2015 and if it is against him, the implications under the law may follow.

7. Till the reasoned order is passed no coercive action be taken against the petitioner.
8. The petition stands allowed as indicated above. Send back the LCR.

JUDGE

JUDGE

Comparing Assistant