

GAHC010043582021



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

Case No. : WP(C)/1561/2021

MAZID MIA
S/O MOKSHED ALI @ MOKSHED , R/O VILL. RANIR PAM, P.S. BAGHBAR,
DIST. BARPETA, ASSAM.

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECY. TO MINISTRY OF HOME AFFAIRS, THE
GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS, SHASTRI BHAWAN, TILOK
MARG, NEW DELHI-1

2:THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECY. TO THE HOME
DEPTT.
DISPUR
GUWAHATI 6

3:THE DEPUTY COMMISSIONER

BARPETA
P.O. AND DIST. BARPETA
ASSAM
THE SUPERINTENDENT OF POLICE (BORDER)
BARPETA
P.O.
P.S. AND DIST. BARPETA
ASSAM.

4:THE ELECTION COMMISSIONER OF INDIA

THROUGH ITS SECY.

NIRBACHAN BHAWAN
NEW DELHI-1

5:THE STATE COORDINATE OF NATIONAL REGISTRATION OF CITIZEN
(NRC)
ASSAM
BHANGAGARH
GUWAHATI

Advocate for the Petitioner : MRS. M RAJKUMARI

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

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE NELSON SAILO

Date : 06-06-2023

JUDGMENT & ORDER (ORAL)

(AM Bujor Barua, J)

Heard Mr. N Ahmed, 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. T Pegu, 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) Barpeta and Ms. K Phukan, learned Government Advocate for the Deputy Commissioner, Barpeta.

2. It is noticed that the English translation of the voters list of 1970 at Annexure-6, page 33 to the writ petition is at a variance from the vernacular

version made available at pages 34 and 35, respectively, to the writ petition. The vernacular version at page 34 is a certified copy of the voters list of 1970 of village Ranir Pam under Baghbor Police Station in the Barpeta district containing the name of Moksed Ali son of Fakir at Sl.184, whereas the vernacular version at page 35 is a printed copy of the voters list of 1970 of village Ranir Pam, which contains the name of 187 No. of voters, including that of Moksed Ali son of Fakir at Sl.184.

3. Although both the documents at page 34 and page 35 are voters list of the year 1970 of village Ranir Pam, but one being a certified copy containing one name and other being a printed copy containing 187 names cannot be understood to be one and the same document.

4. The English translation as Annexure-6 page 33 to the writ petition contains the names of the voters from Sl.No.173 to Sl.No.187, including that of Moksed Ali son of Fakir at Sl.184. The English translation at page 33 does not appear to be a translation either of the certified copy of the voters list at page 34, nor it is a translation of the printed copy of the voters list at page 35.

5. The purported English translation at Annexure-6, page 33 is more of a depiction in the English language of some of the information that can be derived from the two documents being the certified copy at page 34 and the printed copy at page 35.

6. An English translation cannot be a depiction in the English language as a matter of convenience nor it can be a synopsis with regard to the contents of the documents in original, in vernacular. But in the instant case, it is noticed that the purported English translation at page 33 to the writ petition is more of a convenience for the petitioner to propagate his matter, rather than it being an exact translation of what is available either at pages 34 or at page 35. It is more so, that the vernacular versions at pages 34 and 35 are two different documents, whereas the synopsis of the two documents are converted to English language and projected as its translation at page 33.

7. In view of the said defects, on the prayer of the petitioner, the writ petition is dismissed on withdrawal with liberty to approach again with more correct and appropriate documents.

8. As the LCR is available, we direct the Registry to retain the records for another one week so that in the event, the corrected writ petition is filed within a week, the matter can be taken up with due earnest.

9. In terms of the above, the writ petition stands closed.

JUDGE

JUDGE

Comparing Assistant