

GAHC010051212020



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

Case No. : WP(C)/1653/2020

ANANDA DAS ALIAS ANANDA CHANDRA DAS
S/O LATE RAM MOHAN DAS ALIAS RAMLAL DAS, R/O VILL-NAGARJHAR,
P.S.-MANIKPUR, DIST-BONGAIGAON, ASSAM, PIN-783380

VERSUS

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

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

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

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

5:THE MEMBER
FOREIGNERS TRIBUNAL NO. 1
BONGAIGAON
DIST-BONGAIGAON

ASSAM

6:THE SUOERINTENDENT OF POLICE (BORDER)
BONGAIGAON
DIST-BONGAIGAON
ASSAM

7:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM
DIST-BONGAIGAON
ASSA

Advocate for the Petitioner : MR. B J MUKHERJEE

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12-10-2023

Heard Ms. R. Saha, learned counsel for the petitioner and Ms. L. Devi, learned Central Government Counsel for the respondent No.1 as well as Standing Counsel, NRC for the respondent No.4. Also heard Mr. J. Payeng, learned Standing Counsel, Home Department, Assam for the respondent Nos. 2, 5 and 6; Mr. A. I. Ali, learned Standing Counsel Election Commission of India for the respondent No. 3 as well as Mr. P. Sarma, learned Additional Senior Government Advocate, Assam for the respondent No.7.

2) On being referred by the Superintendent of Police (Border), Bongaigaon, after hearing the learned counsels for the parties and other concerned parties, the learned Member, Foreigners' Tribunal No.1, Bongaigaon in BNGN/FT/913/10 (REF. IM(D) Case No.439/02), the learned Member by order dated 27.12.2019 opined the petitioner to be a foreigner under the Foreigners Act, 1946 belonging to the period from 01.01.1966 to 24.03.1971 stream i.e., pre 1971 stream and accordingly, the learned Tribunal directed the petitioner to register his name in accordance with Rule 19 of the Citizenship Rule, 2009 before the Foreigners Registration

Registering Authority (FRRA), Bongaigaon.

3) The petitioner accordingly, on receipt of the certified copy of the impugned opinion dated 27.12.2019 submitted his application for registration of his name under the provisions of Section 6A of the Citizenship Act, 1955, as amended as well as Rule 19 of the Citizenship Rule, 2009 (as amended).

4) Accordingly, the application of the petitioner for registration of his name was registered at Bongaigaon on 06.02.2020 issued by the FRRO, Bongaigaon (Annexure-7 to this writ petition). However, the petitioner in this writ petition filed on 28.02.2020 challenged the impugned order dated 27.12.2019 passed by the learned Member, Foreigners' Tribunal No.1, Bongaigaon, noted above.

5) During the deliberation of the matter, Ms. Saha, learned counsel on instruction of the petitioner, submitted that the petitioner is not willing to press this writ petition, as he had already applied for registration of his name under the Citizenship Act, 1955.

6) However, Ms. Saha, learned counsel submitted that as the petitioner has already filed his application for registration of his name before the concerned FRRO at Bongaigaon on 06.02.2020, he should be provided with all the benefits as specified under Section 6A of the Citizenship Act, 1955, noted above.

7) Considering the above, this writ petition being not pressed, stands dismissed.

8) As the petitioner, pursuant to the opinion dated 27.12.2019, passed by the learned Member, Foreigners' Tribunal No.1, Bongaigaon in BNGN/FT/913/10 (REF. IM(D) Case No.439/02) has already registered his name before the FRRO, Bongaigaon on 06.02.2020, needless to say that he shall be entitled to the benefits of the provisions of Section 6A of said Citizenship Act, 1955, as amended, on being registered as a foreigner of the stream from 01.01.1966 to 24.03.1971 i.e., pre 1971 stream.

JUDGE

JUDGE

Comparing Assistant