

GAHC010058132023



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

Case No. : WP(C)/1714/2023

GITA PAUL
D/O- LATE JAGANNATH PAUL, W/O- SRI SHIBU PAUL, R/O- VILL.-
PAULPARA (DANGTAL), P.O. HUGRIJAN, P.S. DHALIGAON, DIST. CHIRANG,
B.T.R., ASSAM, PIN- 783385.

VERSUS

UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT.OF INDIA, MINISTRY
OF HOME AFFAIRS (CENTRAL SECRETARIAT), P.O. NEW DELHI, PIN-
110001.

2:THE STATE OF ASSAM
BEING REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
ASSAM SACHIBALAYA
DISPUR
P.O. GUWAHATI
PIN- 781006.

3:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-110001.

4:THE OFFICE OF THE STATE COORDINATOR
OF NATIONAL REGISTER OF CITIZENS (NRC)
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S. ROAD

BHANGAGARH
GUWAHATI-781005
DIST. KAMRUP(M)
ASSAM

5:THE DEPUTY COMMISSIONER
CHIRANG DISTRICT
AT SALJHORA CHIRANG
ASSAM
PIN- 783385.

6:THE SUPERINTENDENT OF POLICE (BORDER)
CHIRANG DISTRICT
ASSAM
PIN- 783385

Advocate for the Petitioner : MR. A R SHOME

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

BEFORE

HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

27.03.2023

(A.M. Bujor Barua, J)

Heard Mr. AR Shome, learned counsel for the petitioner. Also heard Ms. B Sarma, learned CGC appearing on behalf of respondents in the Union of India, Mr. G Sarma learned counsel for the State respondents in the Home Department of Government of Assam, Ms. L Devi, learned counsel for the respondents in the NRC, Mr. T Pegu, learned counsel for the Election Commission of India and Ms. K Phukan, learned counsel for the Deputy Commissioner, Chirang.

2. The petitioner Gita Paul had been referred to the Foreigners Tribunal, Chirang for rendering an opinion as to whether she is a person who entered the State of Assam from the specified territory on or after 25.03.1971 resulting in

registration of FT Case No. FT/CHR/27/2019, wherein an opinion dated 07.12.2022 was given that the petitioner is a foreigner. Being aggrieved, this writ petition is instituted.

3. In the writ proceeding, the petitioner relies upon the voters list of 1971 of 41 Malda Legislative Assembly Constituency, wherein in respect of Gram Sabha Nasipur Ward No. 1, the name of Jagannath Paul son of Girish Chandra appears. The petitioner claims that Jagannath Paul son of Girish Chandra of the 1971 voters list of Gram Sabha Nasipur is the father of the petitioner. To substantiate the same, the petitioner relies upon a ration card bearing serial No. 074330 issued by the Government of West Bengal in the name of Gita Paul daughter of Jagannath Paul of village Nashipur and accordingly seeks to substantiate that she is the daughter of Jagannath Paul of Nashipur village.

4. If the information contained in the voters list as well as in the ration card are correct, the petitioner may have established a prima-facie case that she is a citizen of India.

5. In the circumstances, the matter is remanded back to the Tribunal to pass a reasoned order upon examining the aforesaid materials and if the reasoned order is in favour of the petitioner, the same shall prevail over the earlier opinion dated 07.12.2022. If the reasoned order goes against the petitioner, consequence as per law shall follow.

6. Before the Tribunal, the petitioner may produce the copy of the voters list of 1971 of village Nashipur as well as the ration card issued by the Government of West Bengal in the name of the petitioner Gita Paul daughter of Jagannath Paul of village Nashipur.

7. The petitioner shall appear before the Foreigners Tribunal, Chirang on

04.05.2023. Till the reasoned order is passed, no coercive action be taken against the petitioner.

8. The writ petition is allowed as indicated above.

JUDGE

JUDGE

Comparing Assistant