

GAHC010062312020



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

Case No. : WP(C)/2021/2020

RANG VANU BEWA
D/O- LT. AHAMMAD SHEIKH, W/O- SABAHAN ALI, VILL- JAWKATADIA, P.S.
BOKO, DIST.- KAMRUP (R), ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, SHASTRI BHAWAN, TRILOK MARG, NEW DELHI- 110001

2:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI- 110001

3:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-06

4:THE STATE COORDINATOR OF NATIONAL REGISTER OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
GHY SHILLONG ROAD
BHANGAGARH
GHY
ASSAM
PIN- 781005

5:THE DY. COMMISSIONER OF KAMRUP (R) DISTRICT
AT AMINGAON

P.O.
P.S. AMINGAON
DIST.- KAMRUP (R)
ASSAM

6:THE SUPERINTENDENT OF POLICE (B)
KAMRUP (R) DISTRICT
AT AMINGAON
P.S. AMINGAON
DIST.- KAMRUP (R)
ASSA

Advocate for the Petitioner : MR. A T SARKAR

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

BEFORE

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

O R D E R

12.05.2023

(A.M. Bujor Barua, J)

Heard Mr. AT Sarkar, learned counsel for the petitioner. Also heard Ms. L Devi, learned CGC appearing on behalf of respondents in the Union of India as well as for the authorities in the NRC, Mr. G Sarma, learned counsel for the State respondents in the Home Department of Government of Assam, Mr. AI Ali, learned counsel for the Election Commission of India and Ms. U Das, learned counsel for the Deputy Commissioner, Kamrup(R).

2. The petitioner Rang Vanu Bewa had been referred to the Foreigners Tribunal No. 2, Kamrup(R) at Boko 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 BFT Case No. 1560/2016, wherein an opinion dated 23.04.2019 was given that the petitioner is a foreigner. Being

aggrieved, this writ petition is instituted.

3. In the writ proceeding, the petitioner relies on the voters list of 1970 of village Jawkatadia, Mouza-Sontali in the Kamrup district, which contains the name of Rangvanu wife of Sobaham at serial No. 943. The petitioner claims that Rangvanu of the 1970 voters list is the petitioner proceedee herself and therefore, as her name appears in the voters list of 1970, she cannot be considered to be a person who entered the State of Assam on or after 25.03.1971 from the specified territory.

4. The Tribunal rejected the said claim of the petitioner that she is the person whose name appears in the voters list of 1970 of village Jawkatadia because of some discrepancies of age of the petitioner in the written statement and the affidavit filed by the petitioner before the Tribunal.

5. The question to be decided would be whether Rangvanu of the voters list of 1970 of village Jawkatadia and the petitioner proceedee Rang Vanu Bewa are one and the same person. The said question had not been gone into by the Tribunal.

6. In view of the above, the matter is remanded back to the Tribunal to pass a reasoned order on the same. The respondents in the Home Department may make their own verification and find out as to whether the petitioner proceedee Rang Vanu Bewa and Rangvanu, wife of Sobaham of the voters list of 1970 of village Jawkatadia are one and the same person. Upon doing the needful, the Tribunal may pass its reasoned order.

7. If the reasoned order is in favour of the petitioner, the same shall prevail over the earlier opinion dated 23.04.2019 and if it goes against the petitioner, consequence as per law shall follow.

8. The petitioner shall appear before the concerned Foreigners Tribunal on 27.06.2023. Till the reasoned order is passed, no coercive action be taken against the petitioner.
9. The writ petition is allowed as indicated above.
10. Send back the LCR immediately.

JUDGE

JUDGE

Comparing Assistant