

GAHC010070892023



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

**Case No. : WP(C)/1929/2023**

MUSSTT ANUWARA BEGUM  
W/O- MAFIZUL SEKH.  
D/O- LT. ABDUL RAHMAN DHALI,  
P.S.- NAGAON SADAR,  
DIST.- NAGAON (ASSAM),  
PIN- 782002.

VERSUS

THE UNION OF INDIA AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,  
DEPARTMENT OF HOME AFFAIRS,  
NEW DELHI.

2:THE STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY

HOME AND POLITICAL (B) DEPARTMENT

DISPUR- 781006.

3:THE FOREIGNERS TRIBUNAL 1ST NAGAON  
NAGAON  
ASSAM  
PIN- 782140.

4:THE SUPERINTENDENT OF POLICE (BORDER)  
NAGAON  
ASSAM  
PIN- 782001.

5:THE DEPUTY COMMISSIONER

NAGAON  
ASSAM  
PIN- 782001.

6:THE OFFICER-IN-CHARGE  
P.S.- NAGAON (SADAR)  
DISTRICT- NAGAON  
ASSAM  
PIN- 782001

**Advocate for the Petitioner** : MS M D MEDHI

**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**

**04.04.2023**

*(A.M. Bujor Barua, J)*

Heard Ms. MD Medhi, 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, Ms. A Verma, learned counsel for the State respondents in the Home Department of Government of Assam, Mr. T. Pegu, learned counsel for the Election Commission of India and Ms. U Das, learned counsel for the Deputy Commissioner, Nagaon.

2. The petitioner Musstt. Anuwara Begum had been referred to the Foreigners Tribunal No. 1, Nagaon 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 Case No. F.T(D) 1906/2012, wherein an opinion dated 04.01.2023 was given that the petitioner is a foreigner. Being aggrieved, this writ petition is instituted.

3. In the writ proceeding, amongst others, the petitioner relies on the voters list of 1966 of village Dimaruguri, Mouza Niz Sahar, police station-Nagaon in the Nagaon district, which contains the name of Abdul Rahman Dhali son of Mibu at serial No. 1175. The petitioner also relies upon a school certificate issued by the Head teacher of Mahroll Bhotai Ati LP School, which contains the information that Anowara Begum is the daughter of Abdul Rahman Dhali of village Dimaruguri Bhotai Ati.

4. Although the Head teacher of the school was brought forward for rendering his evidence on the basis of the school records, but the Head teacher was disallowed to render the evidence by the Tribunal on the ground that the certificate issued contained the national emblem.

5. If the certificate contained the national emblem and the Head teacher was not entitled to use the national emblem, under the law the certificate could have been discarded. But the same cannot mean that the Head teacher cannot render his oral evidence on the basis of the school records which may establish that the petitioner is the daughter of Abdul Rahman of village Dimaruguri Bhotai Ati.

6. Accordingly, the opinion dated 04.01.2023 in FT(D) Case No. 1906/2012 is set aside and the matter is remanded back to the Tribunal to allow the petitioner to render the evidence of the Head teacher of Mahroll Bhotai Ati LP School by producing the original school record which may contain the information as to the name of the father of the petitioner as well as his residence and thereafter pass a reasoned order thereon. The Tribunal may also look into the Kabin Nama produced by the petitioner, which also contains the name of the father of the petitioner as well as his residence.

7. The petitioner shall appear before the Foreigners Tribunal No. 1, Nagaon on 12.05.2023. 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**