

GAHC010079812019



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

Case No. : WP(C)/2508/2019

JAHANGIR ALOM
S/O- LT MD. ABU SIDDIK, R/O- VILL- GERAMARI PART-I, P.S. GAURIPUR,
DIST- DHUBRI, ASSAM, PIN- 783331

VERSUS

THE UNION OF INDIA AND 8 ORS.
REP. BY THE SECY., MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
SHASTRI BHAWAN, NEW DELHI- 110001

2:THE STATE OF ASSAM
REP. BY THE SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR GHY-6

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

4:THE STATE CO-ORDINATOR
NATIONAL REGISTRATION OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S.ROAD
BHANGAGARH
GHY ASSAM
PIN- 781005

5:THE FOREIGNERS TRIBUNAL KAMRUP (M) NO.1

AT GHY ULUBARI
GHY-07
DIST- KAMRUP (M)
ASSAM

6:THE DY. COMMISSIONER
DHUBRI
P.O. AND P.S. DHUBRI
DIST- DHUBRI
ASSAM
PIN- 783301

7:THE DY. COMMISSIONER OF POLICE (B)
CITY GHY
KAMRUP (M)
ASSAM PIN- 781001

8:THE SUPERINTENDENT OF POLICE (B)
CITY GHY
KAMRUP (M)
ASSAM PIN- 781001

9:THE OFFICER-IN-CHARGE
OF GAURIPUR P.S.
P.O. DHUBRI
DIST- DHUBRI
ASSAM PIN- 78333

Advocate for the Petitioner : MR. MAHMED

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

03.04.2023

(A.M. Bujor Barua, J)

Heard Ms. D Ghosh, 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. J Payeng, 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 Mr. NK Das Das, learned counsel for the Deputy Commissioner, Kamrup(M).

2. The petitioner Jahangir Alom had been referred to the Foreigners Tribunal No. 1, Kamrup(M) for rendering an opinion as to whether he 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.168/2016, wherein an opinion dated 30.01.2019 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 92 Geramari Part-I, Mauza-Gauripur in the Dhubri district which contains the name of Simmat Sk son of Bhale Sk at serial No. 615. The petitioner also relies on the voters list of 1989 of village Geramari Part-I, which contains the name of Siddik Sk son of Srimatulla at serial No. 547. The petitioner claims that Simmat Sk is his grandfather and Abu Siddik Sk is his father. The petitioner also relies upon a school certificate in respect of Abu Siddik Sk, which contains the information that Abu Siddik Sk is the son of Simmat Sk of village Geramari Part-I and he studied in the Geramari ME School up to 30.06.1967. To substantiate that the petitioner is the son of Abu Siddik Sk of village Geramari Part-I, the petitioner refers to the voters list of 2005 of village Geramari Part-I, which contains the name of Abu Siddik Sk son of Sirmotulla at serial No. 756 and that of Jaleya Bibi wife of Abu Siddik Sk at serial No. 757, where both of them are shown to be residing in house No. 238. Thereafter, reference is made to the voters list of 2016 of village Geramari Part-I, which contains the name of Jahangir Alom son of Abu Soddik Sk at serial No. 128.

4. In view of the materials being available on record, the matter is remanded

back to the Tribunal to examine as to whether the aforesaid voters lists of 1966, 1989, 2005, 2016 and the school certificate show that the petitioner is a citizen of India and thereupon pass a reasoned order thereon. The petitioner may produce the complete voters list from 1966 to 2016 in respect of village Geramari Part-I. The respondents also make an enquiry as to whether Jahangir Alom, whose name appears in the voters list of 2016 of village Geramari and the Jahangir Alom the proceedee writ petitioner are one and the same person and thereafter submit a report before the Tribunal.

5. The petitioner also desires to produce certain land documents to further substantiate his claim, which he may do so before the Tribunal.

6. If the reasoned order is in favour of the petitioner, the same shall prevail over the earlier opinion dated 30.01.2019. If the reasoned order goes against the petitioner, consequence as per law shall follow.

7. The petitioner shall appear before the Foreigners Tribunal No. 1, Kamrup(M) on 11.05.2023. Till the reasoned order is passed, no coercive action be taken against the petitioner.

8. The writ petition is allowed as indicated above.

Send back the LCR immediately.

JUDGE

JUDGE

Comparing Assistant