

GAHC010093962019



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

Case No. : WP(C)/2959/2019

NIRANJAN SUTRADHAR
S/O. LT. NABADEEP @ NABAJIT SUTRADHAR, P.O. AND P.S. KAMPUR,
DIST. NAGAON, ASSAM-782426.

VERSUS

THE UNION OF INDIA AND 5 ORS.
THROUGH- THE MINISTRY OF HOME AFFAIRS, GRIHA MANTRALAYA,
NEW DELHI-110001.

2:THE STATE OF ASSAM

THROUGH- THE SECRETARY
TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GUWAHATI-06.

3:THE ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASOKA ROAD
NEW DELHI-110001.

4:THE STATE COORDINATOR

NATIONAL REGISTRATION OF CITIZEN
ASSAM BHANGAGARH
GUWAHATI-781005.

5:THE DY. COMMISSIONER

NAGAON

P.O. NAGAON
DIST. NAGAON
ASSAM-784001.

6:THE SUPDT. OF POLICE (B)

NAGAON
P.O. NAGAON
DIST. NAGAON
ASSAM
PIN-784001

Advocate for the Petitioner : MR. S C BISWAS

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

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 27.03.2023
(A.M. Bujor Barua, J)

Heard Mr. F.A. Hassan, learned counsel for the petitioner and Ms. L. Devi, learned counsel for the respondents No. 1 and 4, being the Union of India and the State Co-ordinator of NRC, respectively. Also heard Mr. G. Sarma, learned counsel for the respondents No. 2 and 6, being the authorities in the Home Department; Mr. T. Pegu, learned counsel for the respondent No. 3, being the authority in the Election Commission of India and Ms. K. Phukan, learned counsel for the respondents No. 5, being the Deputy Commissioner, Nagaon.

2. The petitioner Niranjana Sutradhar was referred to the Foreigners' Tribunal No. 9, Nagaon for rendering an opinion as to whether he is a person who had entered the State of Assam from the specified territory on or after 25.03.1971 and accordingly F.T. Case No. 194/2016 and F.T. Case No. 602/2016 was registered. The Tribunal rendered its opinion dated 24.09.2018 arriving at its

conclusion that the petitioner is a foreigner who had entered the State of Assam on or after 25.03.1971. Being aggrieved this writ petition is instituted.

3. In the writ proceeding, the petitioner relies upon the voters' list of 1970 of village Ward No. 2, P.S. Sadar in the Nagaon district wherein at Sl. No. 30 the name of Nabadeep Sutradhar son of Kunja and at Sl. No. 31 the name of Golapi wife of Nabadeep appear. The petitioner also relies upon a school certificate issued by the Headmaster of Haibargaon Shishu Vidyalaya which contains the information that Niranjana Sutradhar is the son of Nabadeep Sutradhar but the residence of Nabadeep Sutradhar is not indicated in the school certificate.

4. However for the interest of justice, we remand the matter back to the Foreigners' Tribunal No. 9, Nagaon to examine the Headmaster of Haibargaon Shishu Vidyalaya who may appear along with the school records to establish that Niranjana Sutradhar is the son of Nabadeep Sutradhar of village Ward No. 2, P.S. Sadar in the Nagaon district. Depending on the material that may be available, a reasoned order be passed. If the reasoned order to be passed is in favour of the petitioner, the same shall prevail over the earlier opinion dated 24.09.2018 in F.T. Case No. 194/2016 and F.T. Case No. 602/2016 and if it is against the petitioner, consequences under law shall follow. The petitioner to appear before the Tribunal on 04.05.2023. Till the reasoned order is passed, no coercive action be taken against the petitioner.

Writ petition stands disposed of as indicated above.

Send back the LCR forthwith.

J U D G E

J U D G E

Comparing Assistant