

GAHC010097252019



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

Case No. : WP(C)/2874/2019

TAPAN MAZUMDAR
S/O- LT SACHINDRA MAZUMDAR, R/O- VILL- BORDOLONG, P.S. LANKA,
SUB DIVISION HOJAI, DIST- NAGAON, ASSAM, PIN- 782446

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY SECY. TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
NEW DELHI- 110001

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

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

4:THE DY. COMMISSIONER
NAGAON
P.O. NAGAON
DIST- NAGAON
ASSAM
PIN- 782002

5:THE SUPERINTENDENT OF POLICE (B)
NAGAON
P.O. NAGAON
DIST- NAGAON
ASSAM

PIN- 782002

6:THE FOREIGNERS REGIONAL REGISTRATION OFFICE
NAGAON
P.O. NAGAON
DIST- NAGAON
ASSAM
PIN- 782002

7:THE STATE CO-ORDINATOR (NRC)
ASSAM
BHANGAGARH
DIST- KAMRUP (M)
ASSAM
PIN- 78100

Advocate for the Petitioner : MR H J TAMULI

Advocate for the Respondent : MR. S C KEYAL (ASSTT. S.G.I., R-1)

BEFORE

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

O R D E R

22.02.2023

(A.M. Bujor Barua, J)

Heard Mr. HJ Tamuli, learned counsel for the petitioner, Ms. L Devi, learned counsel for the respondents No. 1 and 7 being the authorities in the Union of India and NRC respectively, Ms. A Verma, learned counsel for the respondents No. 2, 5 and 6 being the authorities in the Home Department of the Government of Assam, Mr. AI Ali, learned counsel for the respondent No. 3 being the Election Commission of India and Mr. TR Gogoi, learned counsel for the respondent No. 4 being the Deputy Commissioner, Nagaon.

2. The petitioner Tapan Mazumdar has approached this Court by referring to the order dated 10.12.1998 of the Foreigners Tribunal, Nagaon in FT Case No. 3269/1988, which was in a matter between the State of Assam –vs- Kalitara Mazumdar and others. By the order of 10.12.1998, the Foreigners Tribunal had

provided that the opposite parties therein i.e. Kalitara Mazumdar and others to register themselves with the Foreigners Regional Registration Officer (FRRO), Nagaon, although the order of the Tribunal mentioned it to be the Superintendent of Police (Border), Nagaon.

3. The petitioner Tapan Mazumdar claims that he was also a party in the aforesaid FT Case No. 3269/1988 and was included in the expression 'and others'.

4. No acceptable reason is forthcoming as to if the petitioner ought to have been registered before the FRRO, then why the petitioner did not get himself registered. Be that as it may, as it is a requirement of law for the petitioner to have himself registered before the FRRO, Nagaon to be a person who entered the State of Assam between 1966 and 1971, we allow the petitioner to do so. But, however, we also provide that the implication of being registered as a person who entered the State of Assam between 1966 and 1971 i.e. the person concerned would be debarred from exercising his voting rights for a period of ten years, shall be applicable to the petitioner from the date of his registration. The other implications of law shall also be applicable in respect of the petitioner.

5. The petitioner is required to register before the FRRO, Nagaon within a period of one month from today and if he does not do so, adverse consequence shall follow against him as per law.

The writ petition is disposed of as indicated above.

JUDGE

JUDGE

Comparing Assistant