

GAHC010129312020



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

Case No. : WP(C)/4733/2020

SARAVANU BIBI
W/O- FAKIR CHAND, VILL.- JHALERALGA PART- I, P.S.- GAURIPUR, DIST.-
DHUBRI, ASSAM.

VERSUS

THE UNION OF INDIA AND 7 ORS.
REP. BY THE SECY., MINISTRY OF HOME AFFAIRS, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
HOME AND POLITICAL (B) DEPTT.
DISPUR
GHY- 6.

3:THE ADDL. DIRECTOR GENERAL OF POLICE (BORDER)
ASSAM
ROOPNAGAR
GHY- 32.

4:THE DY. COMMISSIONER
DHUBRI
DHUBRI
ASSAM.

5:THE SUPERINTENDENT OF POLICE (B)
DHUBRI DISTRICT
DHUBRI
ASSAM.

6:THE OFFICER-IN-CHARGE
GAURIPUR POLICE STATION

DIST.- DHUBRI
ASSAM.

7:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER
NIRVACHAN SADAN
NEW DELHI
PIN- 110001.

8:THE STATE COORDINATOR
NATIONAL REGISTRAR OF CITIZENS (NRC)
BHANGAGARH
GUWAHATI
PIN- 781005

Advocate for the Petitioner : MRS. K DEVI

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

30.03.2023

(A.M. Bujor Barua, J)

Heard Ms. K Devi, 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. T. Pegu, learned counsel for the Election Commission of India and Mr. NK Das Das, learned counsel for the Deputy Commissioner, Dhubri.

2. The petitioner Saravanu Bibi had been referred to the Foreigners Tribunal No. 4, Dhubri 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.-4/108/GPR/2017, wherein an opinion dated 23.05.2019 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 1966 of village 101 Geramari Part-III, police station Dhubri in the Dhubri district, which contains the name of Farid Sheikh son of Dhuturu Munshi at serial No. 5 and also that of Eusof Ali son of Darid in the voters list of 1970 of village 101 Geramari Part-III at serial No.632. The petitioner thereafter refers to a rayati khatian in respect of a land in village Geramari Part-III, wherein the name of the rayats, father's name and place of dwelling is shown to be Surbanu Khatun along with Nurbanu Khatun and Nur Khatun all being daughters of Esob Ali Sheikh.

4. If the information is correct, prima facie, the same may lead to a conclusion that the petitioner is a citizen of India.

5. In view of the materials being available on record, the matter is remanded back to the Tribunal to examine the authenticity and correctness of the voters list of 1966 and 1970 of village 101 Geramari Part-III as well as the rayati khatian in respect of a plot of land in village Geramari part-III, which amongst others, contains the name of Surbanu Khatun daughter of Esob Ali Sheikh and pass a reasoned order thereon. The petitioner may produce any other relevant material before the Tribunal, as may be advised.

6. It has been clarified by the petitioner that Surbanu Khatun after the marriage is now known as Saravanu Bibi. The State respondents to also make the verification as to whether Saravanu Bibi, daughter of Esob Ali as contained in the Rayati Khatian with reference to the voters list of 1966 and 1970 and the

village Geramari proceedee Saravanu Bibi are one and the same person.

7. If the reasoned order is in favour of the petitioner, the same shall prevail over the earlier opinion dated 23.05.2019. If the reasoned order goes against the petitioner, consequence as per law shall follow.

8. The petitioner shall appear before the Foreigners Tribunal No. 4, Dhubri on 08.05.2023. 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