

GAHC010147052023



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

Case No. : WP(C)/3931/2023

MUSSTT MAMUDA BEGUM @ MAMUDA KHATUN
W/O- ABDUL GAFUR,
D/O- SORHAB ALI,
R/O- KHANATUP,
P.S.- RUPAHIHAT,
DIST.- NAGAON, ASSAM,
PIN- 782125.

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF HOME AFFAIRS,
NEW DELHI-1.

2:THE ELECTION COMMISSION OF INDIA
NEW DELHI-1.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM

HOME DEPARTMENT
DISPUR

GUWAHATI-6.

4:THE STATE CO-ORDINATOR OF NRC
BHANGAGARH
ASSAM

GUWAHATI-05.

5:THE DEPUTY COMMISSIONER
NAGAON
ASSAM
PIN- 782001.

6:THE SUPERINTENDENT OF POLICE (B)
NAGAON

ASSAM
PIN- 782001.

7:THE OFFICER-IN-CHARGE
RUPAHIHAT POLICE STATION
DISTRICT- NAGAON
ASSAM

PIN- 782001

Advocate for the Petitioner : MR. M U MAHMUD

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

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

ORDER

Date : 05.08.2023
(A.M. Bujor Barua, J)

Heard Mr. M.U. Mahmud, learned counsel for the petitioner and Mr. K.K. Parasar, 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. T. Pegu, learned counsel for the respondent No. 2, being the Election Commission of India; Mr. G. Sarma, learned counsel for the respondents No. 3, 6 and 7, being the authorities in the Home Department and Ms. U. Das, learned counsel for the respondent No. 5, being the Deputy Commissioner, Nagaon.

2. This writ petition is instituted being aggrieved by the opinion dated 27.02.2023 in F.T. Case No. (D)850/2016 passed by the Foreigners' Tribunal No. 3, Nagaon.

3. Without going into the merits of the claims made in this writ petition, what is being pointed out by Mr. M.U. Mahmud, learned counsel for the petitioner is that in the evidence-on-affidavit submitted by the proceedee before the Tribunal, DW2 Md. Surhab Ali son of late Abed Ali is described to be a resident of village Khanatup whereas it actually ought to have been resident of village Nangaldhuwa. It is stated that an inadvertent mistake had been committed by the lawyer who had assisted the proceedee in preparing the evidence-on-affidavit. Accordingly a request is made that the address of DW2 be corrected.

4. As the evidence-on-affidavit is already a part of the record of the Tribunal, in the writ proceeding it would be inappropriate to correct any record.

5. In the circumstance, we remand the matter back to the Tribunal to enable the petitioner to file appropriate application for correction of the name of the village of DW2 and upon such application being filed, the Tribunal to pass any order as advisable in law.

6. We are not expressing any view on the other issues raised in this writ petition nor on the acceptability and veracity of the opinion dated 27.02.2023 in F.T. Case No. (D)850/2016 of the Tribunal. If the Tribunal corrects the address of DW2, liberty would remain with the petitioner to approach this Court again, if so advised. Till such application is filed before the Tribunal or up to a period of two weeks from today, whichever is earlier, no coercive action be taken against the petitioner and in the event of any application be filed, it would be for the Tribunal to pass any appropriate order.

Writ petition stands disposed of as indicated above.

J U D G E

J U D G E

Comparing Assistant