

GAHC010179182023



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

Case No. : WP(C)/4715/2023

MD. TAMIJ ALI @ TAMIJ ALI
S/O- MD. FARIJ ALI,
VILLAGE- JAHIRPUR,
P.S.- CHAYGAON,
DIST.- KAMRUP(RURAL), ASSAM.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS,
GOVT. OF INDIA, SHASTRI BHAWAN,
TILOK MARG, NEW DELHI-1.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE HOME
DEPARTMENT

DISPUR
GUWAHATI-6.

3:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
P.S. AND DISTRICT- KAMRUP

ASSAM
PIN- 781031.

4:THE SUPERINTENDENT OF POLICE (B)
KAMRUP
AMINGAON

DISTRICT- KAMRUP

ASSAM
PIN- 781031.

5:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI-1.

6:THE STATE CO-ORDINATOR NRC
ASSAM
BHANGAGARH
GUWAHATI-5

Advocate for the Petitioner : MD A ALI

Advocate for the Respondent : D.Y.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 21.08.2023
(A.M. Bujur Barua, J)

Heard Mr. A. Ali, learned counsel for the petitioner and Ms. L. Devi, learned counsel for the respondents No. 1 and 6, being the Union of India and the State Co-ordinator of NRC, respectively; Ms. A. Verma, learned counsel for the respondents No. 2 and 4, being the authorities in the Home Department; Mr. P. Sarma, learned counsel for the respondent No. 3, being the Deputy Commissioner, Kamrup, Amingaon and Mr. T. Pegu, learned counsel for the respondent No. 5, being the authorities in the Election Commission of India.

2. The petitioner Md. Tamij Ali @ Tamij Ali was referred to the Foreigners' Tribunal No. 1, Kamrup(Rural), Ulubari for rendering an opinion as to whether he is a foreigner under the Foreigners Act, 1946 and accordingly G.F.T.(R) Case No. 57/2017/258-259 was registered. The Tribunal rendered its opinion dated

27.10.2017 arriving at its conclusion that the petitioner is a foreigner who had entered the State of Assam from the specified territory between 01.01.1966 and 24.03.1971 and also granted him an opportunity to register himself before the Foreigners' Regional Registration Office of the concerned district as required under the provisions of Section 6A(3) of the Citizenship Act, 1955. The petitioner states that inadvertently he could not get himself registered and therefore the authorities are trying to proceed against him. Being aggrieved this writ petition is instituted.

3. As the petitioner on his own laches had not availed the opportunity granted to him to get himself registered before the Foreigners' Regional Registration Office, Kamrup, Amingaon, after the order dated 27.10.2017 and had instituted this writ petition only because coercive actions are sought to be taken by the respondents against him, the petitioner to pay a cost of Rs. 5000/- in the account of Gauhati High Court Bar Association Welfare Fund and upon showing proof of payment of the cost, shall get himself registered with the aforesaid office within a period of two months from today.

4. Upon the petitioner being registered as a person who had entered the State of Assam between 01.01.1966 and 24.03.1971, as provided under Section 6A(3) of the Citizenship Act, 1955 the petitioner will not be entitled to vote for the next ten years from the date of registration, but at the same time would be entitled to all such rights and liberties as may be provided under the said provision.

Writ petition stands allowed as indicated above.

JUDGE

JUDGE

Comparing Assistant