

GAHC010184112023



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

Case No. : WP(C)/5085/2023

REZIYA KHATOON @ REJIA KHATUN
W/O- MD. ABDUL KALAM,
R/O- VILLAGE- BORO PAITARI,
P.S- BOGUAN,
DIST- GOALPARA, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, DEPARTMENT OF
HOME , NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
GOALPARA

4:THE SUPERINTENDENT OF POLICE (B)
GOALPARA

5:THE ELECTION COMMISSION
GOVT. OF INDIA

NEW DELHI-110001

6:THE STATE COORDINATOR
OF NATIONAL REGISTER OF CITIZENS
ASSAM

GUWAHATI-32
DIST- KAMRUP (M)

7:THE FOREIGNERS TRIBUNAL
GOALPARA COURT 4TH
REP. BY THE STANDING COUNSEL OF THE TRIBUNA

Advocate for the Petitioner : MS D DAS

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08.09.2023
(K.R. Surana, J)

Heard Ms. D. Das, learned counsel for the petitioner. Also heard Ms. L. Devi, learned CGC appearing for the respondent nos.1 and 6, Mr. G. Sarma, learned standing counsel for the respondent nos.2 and 4, Mr. B. Sarma, learned Additional Senior Govt. Advocate for the respondent no.3, and Mr. A.I. Ali, learned standing counsel for the respondent no.5.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner assailed the opinion dated 31.05.2023, passed by the learned Member, Foreigners' Tribunal- 4th, Goalpara in F.T. Case No.- FT(G-4)915/15 (Old), FT(G-4)915/22 (New), Ref. FT Case No. 519/09.

3. The case of the petitioner is that in the opinion, the learned tribunal had declared her to be a foreigner national as her family had entered into the territory of the State of Assam between the 01.01.1966 to 25.03.1971. Accordingly, in view of the said categorical finding, the learned Foreigners Tribunal ought to have issued a direction to allow the petitioner to register her

name before the Foreign Regional Registration Office, Goalpara as provided and required under Rule 19 of the Citizenship (Amendment) Rules, 2009 within a specified period of 30 (thirty) days from the date of rendition of the said opinion.

4. On a specific query of the Court, the learned standing counsel for the respondent nos.2 and 4 has submitted that for foreigners entering into the territory of India within 01.01.1966 to 25.03.1971, there is a provision under Rule 19 of the Citizenship (Amendment) Rules, 2009 to get registered under the Foreign Regional Registration Office.

5. As there is no objection to the claim of the petitioner that the learned Foreigners' Tribunal had omitted to allow her to register herself before the Foreign Original Registration Office, Goalpara, which has not been disputed at the Bar by the learned counsel appearing for the respondents, the Court is inclined to allow this writ petition at the motion stage without issuance of notice on the respondents by allowing the petitioner, namely, Musstt. Reziya Khatoon @ Rejia Khatun, the proceedee in F.T. Case No.- FT(G-4)915/15 (Old), FT(G-4)915/22 (New), Ref. FT Case No. 519/09 to get herself registered before the Foreign Regional Registration Office, Goalpara within a period of 30 (thirty) days from today in terms of the provision of Rule 19 of the Citizenship (Amendment) Rules, 2009.

6. Upon such registration, it would be open to the competent authority to curtail the voting rights of the petitioner for a period of 10 (ten) years and to withdraw/recall/rescind her voter identity card and corresponding deletion of her name from the voters list for the prescribed period of 10 (ten) years.

7. The petitioner shall produce a certified copy of this order before the

Foreign Regional Registration Office, Goalpara and also surrender her voter identity card before the said authority.

8. This writ petition stands allowed to the extent as indicated above.
9. There shall be no order as to cost.

JUDGE

JUDGE

Comparing Assistant