

GAHC010206812019



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

Case No. : WP(C)/6616/2019

SHEFALI RANI DEY @ SHEFALI DUTTA
D/O- LATE SANTOSH CHANDRA DEY, W/O- BIKASH CHANDRA DUTTA,
R/O- WARD NO.15, TEZPUR TOWN, P.S- TEZPUR, DIST- SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
THROUGH THE SECRETARY TO THE GOVT OF INDIA, THE MIN OF HOME
AFFAIRS, GRIHA MANTRALAYA, SHASTRI BHAWAN, TILAK MARG, NEW
DELHI- 110001

2:THE STATE OF ASSAM
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM
HOME AND POLITICAL DEPTT
DISPUR
GUWAHATI- 781006

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

4:THE STATE COORDINATOR
NRC
ASSAM
BHANGAGARH
GUWAHATI- 781005

5:THE DEPUTY COMMISSIONER
SONITPUR

P.O- TEZPUR
DIST- SONITPUR
ASSAM
PIN- 784001

6:THE SUPERINTENDENT OF POLICE (B)
SONITPUR
P.O- TEZPUR
DIST- SONITPUR
ASSAM
PIN- 78400

Advocate for the Petitioner : MR. S C BISWAS

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

BEFORE

HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.07.2023

[Achintya Malla Bujor Barua, J.]

Heard Mr. F.A. Hassan, learned counsel for the petitioner. Also heard Ms. L. Devi, learned counsel appearing for the respondent Nos.1 and 4; Mr. G. Sarma, learned special counsel, FT, appearing for respondent Nos.2 and 6; Mr. A.I. Ali, learned standing counsel, ECI, for respondent No.3 and Ms. K. Phukan, learned Junior Government Advocate, Assam, appearing for respondent No.5.

2. The petitioner Shefali Rani Dey had been referred to the Foreigners' Tribunal Tezpur (1st), Sonitpur, for rendering an opinion as to whether she is a foreigner under the Foreigners Act, 1946 resulting in registration of F.T.(D) Case No.1920/2012. The Tribunal rendered an opinion dated 11.01.2019 declaring the petitioner to be a foreigner, who entered the State of Assam from the specified

territory between 01.01.1966 and 25.03.1971. It is stated that the petitioner had also registered herself as a foreigner between 1966 and 1971, but the petitioner is aggrieved by the said declaration and consequent thereof this writ petition is instituted.

3. In the writ petition, reliance is placed on a certificate of registration bearing No.21215, dated 19.10.1956, which was issued in the name of Santosh Ch. Dey and his present address at that time was shown as Laluk in the Lakhimpur district. It is claimed that Santosh Ch. Dey is the father of the petitioner whose citizenship can be ascertained inasmuch as the certificate of registration was issued to on 19.10.1956. Amongst other materials, the petitioner relies on a certificate issued by the Secretary, Assam Higher Secondary Education Council, bearing Sl.No.054628 dated 23.08.1989 that Shefali Rani Dey is the daughter of Santosh Chandra Dey and a student of Laluk College/Higher Secondary School of Laluk. Reliance is also place on a certificate issued by the Principal of Laluk Higher Secondary School dated 13.07.1988, which contains the information that Shefali Rani Dey is the daughter of Santosh Ch. Dey and an inhabitant of Niz Laluk of the North Lakhimpur Sub-Division.

4. In view of above, the matter is remanded back to the Tribunal to enable the petitioner to call the Principal of Laluk Higher Secondary School as a witness along with the admission register in original of the Laluk Higher Secondary School which may contain the information that Shefali Rani Dey is the daughter of Santosh Ch. Dey of village Laluk. Upon the school admission register being produced, the Tribunal shall examine the authenticity and acceptability of the said register and thereupon pass a reasoned order. In the event, the reasoned order is passed in favour of the petitioner, the same shall prevail over the earlier opinion dated 11.01.2019 and if it is against the petitioner, consequential action shall follow.

5. The petitioner shall accordingly appear before the Tribunal on 21.08.2023. Till the reasoned order is passed, no coercive action shall be taken against the

petitioner.

6. Writ petition stands disposed of in the above terms.

Sd/- Robin Phukan
JUDGE

Sd/- Achintya Malla Bujor Barua
JUDGE

Comparing Assistant