

GAHC010229602022



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

Case No. : WP(C)/7294/2022

JORINA KHATUN @ JARINA KHATUN
D/O- LT. JURAN ALI, W/O- LUTFAR RAHMAN, VILL- KHALISABHITA, P.S.
LAKHIPUR, DIST.- GOALPARA, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECY. TO THE GOVT. OF INDIA, HOME DEPTT., NEW DELHI-1

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-06

3:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOK ROAD
NEW DELHI
PIN- 110001

4:THE DY. COMMISSIONER
KAMRUP (M)
DIST.- KAMRUP (M)
ASSAM
PIN- 781031

5:THE DY. COMMISSIONER OF POLICE (B)
KAMRUP (M)
DIST.- KAMRUP (M)
ASSAM
PIN- 781031

6:THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZEN
ASSAM
BHANGAGARH
GHY-0

Advocate for the Petitioner : MR. M I HUSSAIN

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

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

ORDER

09.05.2023

(AM Bujor Barua, J)

Heard Mr. MI Hussain, learned counsel for the petitioner. Also heard Ms. L Devi, learned CGC for the respondents in the Union of India as well as for the authorities under the NRC, Mr. AI Ali, learned counsel for the authorities under the Election Commission of India, Mr. G Sharma, learned Special Standing Counsel, Foreigners Tribunal for the Home Department, Government of Assam as well as the Deputy Commissioner of Police (Border), Kamrup(M) and Ms. U Das, learned Government Advocate for the Deputy Commissioner, Kamrup(M).

2. The petitioner, Jorina Khatun @ Jarina Khatun, was referred to the Foreigners Tribunal No.6th at Goalpara, for rendering an opinion as to whether she is a person who had entered the State of Assam on or after 25.03.1971 resulting in the registration of Case No.F.T(6)-1088/GLP/19 wherein an opinion

dated 31.03.2022 was rendered declaring the petitioner to be a person who had entered the State of Assam from the specified territory on or after 25.03.1971.

3. Being aggrieved this writ petition is instituted.

4. The petitioner relies upon the voters list of 1966 of village Tarangajhar, P.S. South Salmara, in the present South Salmara Mankachar district which contains the name of Asmotullah, son of Binod at Sl.No.215 and that of Sorful Bibi wife of Asmotullah at Sl.No.216 where both are shown to be residing in the same House No.88.

5. The petitioner thereafter relies upon the voters list of 1979 of village Tharangajhar which contains the name of Sarful Bibi wife of Azmat Ali at Sl.No.212 and that of Juran Ali, son of Azmat Ali at Sl.No.213. It is claimed that Juran Ali is the father of the petitioner by showing that the name of Juran Ali and Sarful Bibi appearing in the same voters list and again the name of Sarful Bibi appears in the voters list of 1966 of village Tarangajhar. Accordingly it is stated that the citizenship of Juran Ali can also be determined. The petitioner thereafter relies upon a Kabinama which contains the information that Jorina Khatun is the daughter of Juran Ali of village Tarangajhar. But it is stated that the Kazi who had issued the Kabinama had not been examined.

6. In the aforesaid circumstance, the matter stands remanded back to the Tribunal to enable the petitioner to examine the Kazi who had issued the Kabinama by producing the original marriage register. The respondents, in the

Home Department, may also make their own verification as to whether Juran Ali referred in the Kabinama and the Juran Ali of the 1979 voters list of village Tharangajhar are one and the same person.

7. Accordingly, the petitioner shall appear before the Tribunal on 17.06.2023. The petitioner may also adduce any further evidence to establish her case, if so advised.

8. The Tribunal upon doing the needful and after examining the evidences and materials shall pass a reasoned order. In the event, the reasoned order is in favour of the petitioner, the same shall prevail over the opinion dated 31.03.2022 of the Foreigners Tribunal No.6th at Goalpara in Case No.F.T(6)-1088/GLP/19 and if it is against the petitioner, consequential action under the law shall follow.

9. Till the reasoned order is passed, no coercive action be taken against the petitioner.

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

11. Send back the LCR.

JUDGE

JUDGE

Comparing Assistant