

GAHC010252172019



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

Case No. : WP(C)/8079/2019

SABITA DAS

S/O- LT SATYANARAYAN DAS, D/O- LT SUBAL DAS, R/O- VILL- NO. 1
MISSING GAON (KALYANPUR), P.S. SILAPATHAR, DIST- DHEMAJI
(ASSAM), PIN- 787059

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI- 110001

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

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

4:STATE COORDINATOR OF NATIONAL REGISTRAR OF CITIZENSHIP (NRC)
ASSAM
BHANGAGARH
GHY-5
DIST- KAMRUP (M)
ASSAM
PIN- 781005

5:THE DY. COMMISSIONER

DHEMAJI
P.O. AND P.S. DHEMAJI (ASSAM)
PIN- 787057

6:THE SUPERINTENDENT OF POLICE (B)
DHEMAJI
DIST- DHEMAJI
PIN- 787057

7:THE FOREIGNERS REGIONAL REGISTRATION OFFICER (FRRO-IN
SHORT)
SONITPUR
DIST- SONITPUR (ASSAM)
PIN

Advocate for the Petitioner : MR. B CHETRI

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

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

01.12.2023

(M. R. Pathak, J.)

Heard Mr. B. Chetri, learned counsel for the petitioner. Also heard Ms. A. Verma, learned Standing counsel, Home Department, Assam for the respondents no. 2 & 6; Mr. A. I. Ali, learned Standing counsel, Election Commission of India for the respondent no. 3 and Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the respondent no. 5.

2. No representation on behalf of the respondent no. 1/the Union of India.

3. The petitioner, namely, **Smti Sabit Das** filed this writ petition on 04.10.2019, challenging the Final order, dated 20.10.2018, passed by the learned Member, Foreigners' Tribunal No. 2, Dhemaji at Silapathar in F. T. Case

No. 397/2017, wherein, after hearing her, the said tribunal opined that the existence of the petitioner in the territory of India (Assam) reflected prior to 1971 but not earlier than 1966 and accordingly, found her to be of the stream of 01.01.1966 to 24.03.1971. By the said Final order, dated 20.10.2018, the learned Member, Foreigners' Tribunal No. 2, Dhemaji at Silapathar in F. T. Case No. 397/2017 directed the petitioner to register her name before the Special Foreigners' Regional Registration Officer, Sonitpur. Being aggrieved with the said opinion, dated 20.10.2018, passed by the learned Member, Foreigners' Tribunal No. 2, Dhemaji at Silapathar in F. T. Case No. 397/2017 though the petitioner filed this writ petition but during deliberation of the matter, Mr. Chetri, learned counsel on instructions submits that the said petitioner, in the meanwhile, expired during the pendency of this writ petition and as such, he is not pressing the same.

4. On being enquired, Mr. Chetri also submits that the legal heir of the petitioner did not inform him about filing of any application for their substitution in place of the petitioner.

5. It is also seen that the petitioner belatedly on 24.06.2019 approached the Special Foreigners' Regional Registration Officer, Sonitpur at Tezpur, to condone the delay in filing her said application for registration as directed by the learned Member, Foreigners' Tribunal 2nd Dhemaji at Silapathar, dated 13.02.2018, within a period of 180 days of the order.

6. Considering the decision of a coordinate Bench of this Court passed earlier on 11.12.2017 in WP(C)7526/2017, the Registry is directed to inform the Superintendent of Police (Border), Dhemaji about the information submitted by the learned counsel for the said petitioner, namely, **Sabita Das**, about her

death and to do the needful accordingly.

JUDGE

JUDGE

Comparing Assistant