

GAHC010253572022



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

Case No. : Review.Pet./17/2023

1. ARJUN HAWALDAR
S/O- RAMLAL HAWALDAR, VILL- DUBAPARA (PART-KHA), P.O-
DUBAPARA, P.S- MORNOI, DIST- GOALPARA, PIN- 783101.

VERSUS

1. THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT OF INDIA,
DEPARTMENT OF HOME, NEW DELHI-1.

2:THS STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT OF ASSAM
DEPTT. OF HOME
DISPUR
GUWAHATI- 6.

3:THE DEPUTY COMMISSIONER
GOALPARA.

4:THE SUPERINTENDENT OF POLICE (BORDER)
GOALPARA

Advocate for the Petitioner : K U AHMED

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

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

JUDGMENT & ORDER (ORAL)

Date : 20-03-2023

(AM Bujor Barua, J)

Heard Mr. AT Sarkar, learned counsel for the petitioner. Also heard Ms. P. Swargiary, learned counsel for the respondent No.1 being the Union of India, Mr. G. Sarma, learned Counsel appearing for the Home Department of Government Assam being the respondent No.2 & 4 and Ms. K. Phukan, learned Advocate for the respondent No.3 being the Deputy Commissioner, Goalpara.

2. This Review Petition is instituted by petitioner, namely, Arjun Hawaldar, being aggrieved by an order dated 04.04.2017, rendered in Writ Petition (C) No.1780/2017. The said Writ Petition was filed by the petitioner against the opinion of the Foreigners Tribunal, Goalpara dated 17.05.2019, in the F.T. Case No.1516/G/2008.

3. In the Review Proceeding, the petitioner relies upon the Voters List of 1965 of Village 3 No. Toplakhowa in Goalpara District, which contains the name of Chakicharan Hawaldar, son of Narayan Hawaldar at Sl. No.26. The petitioner thereupon relies upon the Voters List of 1970 of Village Toplakhowa, Mouza Dudhnoitehsil of Goalpara District, which contains the name of Sokicharan Hawaldar, son of Late Narayan Hawaldar at Sl. No.26 and that of Ramlal Hawaldar, son of Sokicharan Hawaldar at Sl. No.30. The petitioner claims that Ramlal Hawaldar, son of Sokicharan Hawaldar of Voters List of 1970 is his father. To substantiate the same, the petitioner relies upon the Voters List of 1989 of Village Toplakhowa, Mouza Dudhnoitehsil of Goalpara District, which contains the name of Ramlal Hayaldar, son of late Sathicharan Hayaldar at Sl. No.57 and that of Arjun, son of Ramlal at Sl. No.59.

4. Apparently it appears that both Ramlal Hawaldar and Arjun Hawaldar resided in the same household. The petitioner also refers to the Voters List of 1997 of Village Toplakhowa,

Mouza Dudhnoitehsil of Goalpara District, which contains the name of Ramlal Hawaldar, son of Sokucharan Hawaldar at Sl. No.184 and that of Arjun Hawaldar, son of Ramlal Hawaldar at Sl. No.187, where both are apparently residing in the same Household No.74.

5. In the circumstance, the matter is remanded back to the Foreigners Tribunal to be placed before the Foreigners Tribunal No.1, Goalpara to examine the contents of the Voters List of 1965, 1970, 1989 and 1997 of Village Toplakhowa, Mouza Dudhnoitehsil of Goalpara District and arrive at a conclusion as to whether the name of Sokucharan Hawaldar of the Voters List of 1965 and thereafter, the Voters List of 1970 containing both the name of Sokucharan Hawaldar and Ramlal Hawaldar and thereafter the Voters List of 1985, containing the name of Ramlal Hawaldar and that of Arjun Hawaldar together, which again also available in the Voters List of 1997 of Village Toplakhowa, Mouza Dudhnoitehsil of Goalpara District establishes the citizenship of the petitioner.

6. The petitioner to appear before the Tribunal on 28.04.2023. In the event, a reasoned order is passed in favour of the petitioner, the same would prevail over the order dated 17.05.2019, passed by the Foreigners Tribunal, Goalpara in the F.T. Case No.1516/G/2008 and if it is against him, the implications under the law may follow.

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

8. The petition stands allowed as indicated above.

JUDGE

JUDGE

Comparing Assistant