

GAHC010256212018



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

Case No. : WP(C)/7974/2018

JASIMUDDIN MAZUMDAR
S/O- LT ABDUL KHALIK MAZUMDAR, VILL AND P.O. GANGPAR
DHUMKAR PART-III, P.S. AND DIST- HAILAKANDI, ASSAM, PIN-

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, SHASTRI BHAWAN, NEW DELHI-1

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

3:THE DY. COMMISSIONER
KAMRUP (M)
DIST- KAMRUP (M)
ASSAM
GHY-1

4:THE SUPERINTENDENT OF POLICE (B)
CITY
GUWAHATI
DIST- KAMRUP (M)
ASSAM
GHY-1

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI
TO BE REP. BY CHIEF ELECTION COMMISSIONER OF INDIA
NEW DLEHI-1

6:THE STATE COORDINATOR OF NATIONAL REGISTRATION
ASSAM
BHANGAGARH
LACHIT NAGAR
GHY-

Advocate for the Petitioner : DR. B AHMED

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

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

ORDER

Date : 01.03.2023
(A.M. Bujor Barua, J)

Heard Mr. N. Haque, learned counsel for the petitioner and Mr. B. Sarma, learned counsel for the respondent No. 1, being the Union of India. Also heard Ms. A. Verma, learned counsel for the respondents No. 2 and 4, being the authorities in the Home Department; Ms. U. Das, learned counsel for the respondent No. 3, being the Deputy Commissioner, Kamrup(M); Mr. A. Ali, learned counsel for the respondent No. 5, being the Election Commission of India; Ms. L. Devi, learned counsel for the respondent No. 6, being the State Co-ordinator of NRC and

2. The petitioner Md. Jasimuddin Mazumdar was referred to the Foreigners' Tribunal No. 3, Kamrup(M) for an opinion as to whether he is a person who had entered the State of Assam from the specified territory subsequent to 25.03.1971 and accordingly F.T. Case No. 458/2017 was registered. The petitioner relies upon the voters' list of 1966 of village Gangpar Dhumkar Part-3, Dist. Cachar wherein at Sl. No. 282 the name of Abdul Khalik Maj son of Monohar Ali Maj appears. The petitioner claims that Abdul Khalik Maj of the

voters' list of 1966 is his father. The petitioner also refers to the voters' list of 2005 also of village Gangpar Dhumkar Part-3, Dist. Cachar which contains the name of Jasimuddin Mazumdar son of Abdul Khalik Mazum at Sl. No. 603 and that of Abdul Khalik Mazumdar son of Monohar Ali Mazumdar at Sl. No. 600. The petitioner accordingly claims that through his father Abdul Khalik Mazumdar, he could establish that he is a citizen of India.

3. In view of the above, we remand the matter back to the Foreigners' Tribunal No. 3, Kamrup(M) to examine the voters' list of 1966 of village Gangpar Dhumkar Part-3, Dist. Cachar and the voters' list of 2005 also of the same village whether it establishes that the petitioner is the son of Abdul Khalik Maz of the voters' list of 1966 of the same village. To facilitate the process, the petitioner may produce the complete voters' list from the year 1966 to 2010 of village Gangpar Dhumkar Part-3, Dist. Cachar which may help in establishing the claim of the petitioner. The petitioner to appear before the Tribunal on 05.04.2023. Upon examining the aforesaid materials, the Tribunal to pass a reasoned order. If the reasoned order to be passed is in favour of the petitioner, the same shall prevail over the earlier opinion dated 26.09.2018 in F.T. Case No. 458/2017 and if it is against the petitioner, consequences under law shall follow. Till the reasoned order is passed, no coercive action be taken against the petitioner.

Writ petition stands disposed of as indicated above.

Send back the LCR forthwith.

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Comparing Assistant