

GAHC010271442023



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

Case No. : WP(C)/7115/2023

PURNIMA MARAK @ FONI MARAK
W/O- LATE JOHISON SANGMA, D/O- LATE MULAP SANGMA, VILL- BAPUJI
NAGAR, WARD NO.16, P.O. AND P.S. GOALPARA, DISTRICT- GOALPARA,
ASSAM, PIN- 783121

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT.
OF INDIA, NEW DELHI-1

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY ITS SECRETARY
NIRVACHAN BHAWAN
NEW DELHI-1

3:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-06

4:THE STATE COORDINATOR OF NRC
ASSAM
BHANGAGARH
GUWAHATI-05

5:THE DEPUTY COMMISSIONER CUM DISTRICT ELECTION OFFICER
GOALPARA
ASSAM
PIN- 783101

6:THE SUPERINTENDENT OF POLICE (B)
GOALPARA

ASSAM
PIN- 78310

Advocate for the Petitioner : MR. M ALI

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

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 18-12-2023

Heard Mr. M. Ali, learned counsel for the petitioner; Mr. R.K. Deb Choudhury, learned Deputy Solicitor General of India [DSGI] for the respondent no. 1; Mr. A.I. Ali, learned Standing Counsel, Election Commission of India for the respondent no. 2; Mr. J. Payeng, learned Standing Counsel, Home & Political Department for the respondent nos. 3 & 6; and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent no. 5.

2. The case of the petitioner is that she was born on 10.05.1980 and the name of the father of the petitioner was one Mulap Sangma, S/o- Khudiram Marak. It is the case of the petitioner that in the Legacy Data of 1951 NRC, the name of the petitioner's father figured. In the Voters' List of the years 1966, 1979, 1985, 1993 & 1997 of Goalpara East Legislative Assembly Constituency [LAC] the names of the petitioner's father, Mulap Sangma and the petitioner's mother had figured. The petitioner got married with one Johison Sangma of Village - Bapuji Nagar, District – Goalpara, who is a resident of Goalpara East Legislative Assembly Constituency [LAC]. In the Voters' List published in the year 1997 onwards till 2023 for Goalpara East LAC, the tag 'D' Voter is being shown against the name of the petitioner. Though an application was submitted before the Electoral Registration Officer, Goalpara stood forwarded to the Superintendent of Police [Border], Goalpara for making necessary action, who in his Report dated 17.01.2017 had reported that no F.T./'D' Voter case had been initiated against the petitioner. Hence, for removal of the 'D' Voter mark, the petitioner has preferred the instant writ petition.

3. Mr. Ali, learned Standing Counsel, ECI and Mr. Payeng, learned Standing Counsel,

Home & Political Department have submitted that since the 'D' Voter mark is found mentioned against the name of the petitioner in the Voters' List from the year 1997 onwards till date, the respondent no. 6 notwithstanding his earlier Report dated 17.01.2017, is required to make a reference to the concerned Foreigners' Tribunal for deciding the reference. Mr. Ali, learned counsel for the petitioner has submitted that such direction be issued for expeditious consideration of the matter regarding 'D' Voter mark of the petitioner.

4. In view of the broad consensus arrived at by the learned counsel for the parties, in the afore-stated manner, this writ petition stands disposed with a direction to the respondent no. 6 i.e. the Superintendent of Police [B], Goalpara to refer the case of 'D' Voter mark of the petitioner to the concerned Foreigners Tribunal in order to examine the matter of removal of 'D' Voter tag or otherwise, after examining the various documents to be submitted by the petitioner before the learned Tribunal and thereafter, pass appropriate opinion in that regard. It is observed that the respondent no. 6 shall made such reference to the Foreigners' Tribunal as expeditiously as possible, within an outer limit of 6 [six] weeks from the date of submission of the certified copy of this order by the petitioner before him.

5. This order disposes of the writ petition.

JUDGE

Comparing Assistant