

GAHC010291792019



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

Case No. : WP(C)/9012/2019

NAIMAN BIBI @ NAIMAN KHATUN
D/O- LT. NAIMUDDIN SK., W/O- TOSOR ALI @ TOSAR, VILL- RAMRAIKUTI
PART-I, P.O. SATRASAL, P.S. AGOMONI, DIST- DHUBRI, ASSAM, PIN- 783335

VERSUS

THE UNION OF INDIA AND 5 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. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

3:THE DY. COMMISSIONER
DHUBRI
PIN- 783301

4:THE ELECTION COMMISSION OF INDIA
NEW DELHI- 110001

5:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
GHY-05

6:THE SUPERINTENDENT OF POLICE (B)
DHUBRI
DIST- DHUBRI
PIN- 78330

Advocate for the Petitioner : MR H R A CHOUDHURY

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

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

ORDER

02.05.2023

[A.M.Bujor Barua, J.]

Heard Ms. S. Das, learned counsel for the petitioner. Also heard Ms. L. Devi, learned counsel for the respondent nos. 1 and 5; Mr. G. Sarma, learned counsel for the respondent nos. 2, and 6; Mr. N.K. Das, learned counsel for the respondent no. 3; and Mr. A.I. Ali, learned counsel for the respondent no. 4.

2. The petitioner Naiman Bibi @ Naiman Khatun had been referred to the Foreigners' Tribunal No. II, Dhubri, for rendering an opinion as to whether she is a person who entered the State of Assam from the specified territory on or after 25.03.1971 resulting in registration of FT Case No. 30/AGMN/17, wherein an opinion dated 31.08.2019 had been rendered declaring the petitioner to be a foreigner. Being aggrieved this writ petition is instituted.

3. In the writ proceeding, the petitioner relies on the Voters' List of 1966 of village Jhawkuti P.S. Tufanganj in the Coochbehar district of West Bengal, which contains the name of Sk. Naimuddin, son of Holai at serial no. 160. The petitioner also relies on the evidence of Iman Ali son of Naimuddin Sk. of village Jhawkuti in the Coochbehar district of West Bengal wherein he has deposed that the petitioner Naiman Bibi is his sister and in the evidence of Iman Ali also exhibits an inheritance certificate issued by the Pradhan of Balabhut Gram Panchayat which contains the information that the legal heirs of Sk. Naimuddin amongst others, Iman Ali is his son and also Naiman Bibi is his

daughter along with the other sons and daughters.

4. In the cross-examination the State Authorities had not made any suggestion or had put any question which may rebut the evidence rendered by Iman Ali son of Sk. Naimuddin. But we have noticed that no Voters' List containing the name of Naimuddin Sk. and that of Iman Ali has been produced before this court.

5. In the circumstance, the matter is remanded back to the Foreigners' Tribunal No. II, Dhubri to enable the petitioner to produce any Voters' List of village Jhawkuti which may contain the name of Naimuddin Sk. and that of Iman Ali in the same Voters' List. The respondents are also given the liberty to cross-examine Iman Ali son of Naimuddin Sk. as regards the evidence rendered that the petitioner is his sister and as also as regards the inheritance certificate which contains that both Iman Ali and Naiman Bibi among others are the legal heirs of Naimuddin Sk. of village Jhawkuti. If there is any document which shows that the petitioner had inherited property of Naimuddin Sk., the petitioner would be at liberty to produce the same before the court.

6. After materials being produced, the Tribunal may pass a reasoned order.

7. The petitioner to appear before the Tribunal on 08.06.2023.

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

Writ petition stands disposed of in the above terms.

Send back the LCR immediately.

JUDGE

JUDGE

Comparing Assistant