

GAHC010033352018



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

Case No. : WP(C)/1092/2018

RENU BALA SUTRADHAR
(D/O LATE BANOMALI SUTRADHAR), R/O RLY. QTR. NO. T/23/F, RAILWAY
OLD COLONY, PS AND DIST. BONGAIGAON, ASSAM, PIN-783380

VERSUS

UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, DEPTT. OF
HOME AFFAIRS, NEW DELHI

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

3:ELECTION COMMISSION OF INDIA
REPRESENTED BY THE COMMISSIONER
NIRBACHAN SADAN
NEW DELHI

4:STATE COORDINATOR OF NATIONAL REGISTRATION (NRC)
ASSAM
1ST FLOOR
ACHYUT PLAZA
GUWAHATI-SHILLONG ROAD
BHANGAGARH
GUWAHATI
ASSAM
PIN-781005

5:THE SUPERINTENDENT OF POLICE (BORDER)
BONGAIGAON
PO AND DIST. BONGAIGAON
ASSAM
PIN-783380

6:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM
PO AND DIST. BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. B J MUKHERJEE

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

14.06.2024

(M.R. Pathak, J)

Heard Ms. R. Saha, learned counsel appearing on behalf of Mr. B.J. Mukherjee, learned counsel for the petitioner and Mr. K.K. Parasar, learned C.G.C appearing for the Union of India respondent No.1. Also heard Mr. G. Sharma, learned Standing Counsel, Home Department, Assam for the respondent Nos.2 & 5; Mr. H. Kuli, learned Standing Counsel, Election Commission of India for the respondent No.3; as well as Mr. H.K. Hazarika, learned Government Advocate, Assam for the respondent No.6.

2. In a police enquiry being IM(D)T Case No.1756/2004 [during the force of the Illegal Migrants (Determination by Tribunal) Act, 1983], the petitioner was found to be a suspected foreigner of post 25.03.1971 stream. As such, the Superintendent of Police (Border), Bongaigaon vide

No.BNGN/B/IMFT/69/06/1750 dated 30.10.2006, referred the case of the petitioner to the Foreigners' Tribunal, Bongaigaon to determine as to whether the petitioner is a foreigner or not.

3. Pursuant to the same, the learned Foreigners' Tribunal No.1, Bongaigaon in BNGN/FT/Case No.1063/2007, after hearing the petitioner and other parties and considering the evidence adduced by her, by the impugned findings and opinion dated 27.12.2017, opined the petitioner to be a foreigner of post 25.03.1971 stream under the Foreigners Act, 1946.

4. Dissatisfied with the same, the petitioner on 19.02.2017, filed this writ petition.

5. Notice in this case was issued on 28.02.2018 and the records of said BNGN/FT/Case No.1063/2007 was called for from the learned Foreigners' Tribunal No.1, Bongaigaon.

6. By the order dated 28.02.2018, the petitioner was also granted interim protection and interim bail, which is still in force.

7. During the deliberation of the matter, Ms. R. Saha, learned counsel appearing on behalf of Mr. B.J. Mukherjee, learned counsel for the petitioner on specific instruction from the family member of the petitioner, apprise the Court that the petitioner Renu Bala Sutradhar, wife of Kokil Sutradhar, daughter of late Banomali Sutradhar, resident of Uday Nagar, Ward No.25, Bongaigaon (MB), Bongaigaon, Assam expired on 30.05.2019.

8. To that extent, Ms. R. Saha, learned counsel for the petitioner has placed a Xerox copy of the death certificate of said Renu Bala Sutradhar, issued vide Registration No.D-2019-18-90234-000281 dated 17.06.2019, issued on 18.06.2019 by the Registrar (Birth and Death), Joint Director of Health Services, Bongaigaon.

9. It is seen that after the death of the petitioner Renu Bala Sutradhar on 30.05.2019 till date, none of her legal heirs have preferred any application for substitution of their names in place of said petitioner, now deceased.

10. Considering the above, on the death of the writ petitioner Renu Bala Sutradhar, this writ petition, being infructuous, stands dismissed.

11. The interim protection and interim bail granted earlier to the petitioner on 28.02.2018 stands merged with this order.

12. Registry shall return the records of BNGN/FT/Case No.1063/2007 to the learned Foreigners' Tribunal No.1, Bongaigaon along with a copy of this order as well as the copy of the death certificate of the petitioner Renu Bala Sutradhar, specified above.

13. The copy of the death certificate of the petitioner Renu Bala Sutradhar issued on 18.06.2019 by the Registrar (Birth and Death), Joint Director of Health Services, Bongaigaon, placed before the Court by Ms. R. Saha, learned counsel on behalf of the petitioner, be kept as a part of the record.

JUDGE

JUDGE

Comparing Assistant