

GAHC010039482024



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

Case No. : I.A.(Civil)/819/2024
In WP(C) No. 4733/2020

SARAVANU BIBI
W/O- FAKIR CHAND, R/O VILL.- JHALERALGA PART- I, P.S.- GAURIPUR,
DIST.- DHUBRI, ASSAM.

VERSUS

THE UNION OF INDIA AND 7 ORS.
REP. BY THE SECY., MINISTRY OF HOME AFFAIRS, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
HOME AND POLITICAL (B) DEPTT.
DISPUR
GHY- 6.

3:THE ADDL. DIRECTOR GENERAL OF POLICE (BORDER)
ASSAM
ROOPNAGAR
GHY- 32.

4:THE DY. COMMISSIONER
DHUBRI
DHUBRI
ASSAM.

5:THE SUPERINTENDENT OF POLICE (B)
DHUBRI DISTRICT
DHUBRI
ASSAM.

6:THE OFFICER-IN-CHARGE

GAURIPUR POLICE STATION
DIST.- DHUBRI
ASSAM.

7:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER
NIRVACHAN SADAN
NEW DELHI
PIN- 110001.

8:THE STATE COORDINATOR
NATIONAL REGISTRAR OF CITIZENS (NRC)
BHANGAGARH
GUWAHATI
PIN- 781005

Advocate for the Petitioner : MRS. K DEVI

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUN

ORDER

20.03.2024

(M.R. Pathak, J)

Heard Ms. S.A. Khalifa, learned counsel on behalf of Ms. K. Devi, learned counsel appearing on behalf of the applicant and Ms. A. Verma, learned Standing Counsel for the Home and Political (B) Department of Government of Assam for the opposite party Nos. 2, 3, 5 and 6. Also heard Mr. P. Sarma, learned Additional Senior Government Advocate for the opposite party No. 4 as well as Mr. H. Kuli, learned counsel on behalf of Mr. A.I. Ali, learned Standing Counsel for the Election Commission of India for the opposite party No. 7.

2. The applicant as a petitioner filed the connected WP(C) No. 4733/2020 challenging the order dated 23.05.2019 passed by the learned Foreigners Tribunal No. 4, Dhubri, Assam in Case No. F.T-4/108/GPR/2017 being referred by the Superintendent of Police (Border), Dhubri

vide reference No. I.M. (D) T Case No. 1597/1998, whereby she was declared to be a foreigner under the Foreigners Act, 1946 who had illegally entered into India after 25.03.1971 without any valid documents.

3. The said WP(C) No. 4733/2020 preferred by the applicant as petitioner, was disposed of by a Coordinate Bench of this Court on 30.03.2023, remanding back the matter to the said Foreigners Tribunal No. 4, Dhubri, Assam directing the Tribunal to examine the authenticity and correctness of the voters lists of 1966 and 1970 of village 101 Geramari Part-III as well as the rayati khatian in respect of a plot of land in village Geramari Part-III, which contains the name of Surbanu Khatun daughter of Esob Ali Sheikh, who is the applicant herein/petitioner of WP(C) No. 4733/2020 and to pass a reasoned order thereon.

4. It is submitted by the applicant that in paragraph No. 3 of the said order dated 30.03.2023 passed by the Coordinate Bench of this Court in WP(C) No. 4733/2020, it has been wrongly typed as "*Eusof Ali son of Darid in the voters list of 1970 of village 101 Geramari Part-III at serial No. 632*" instead of "*Eusof Ali son of Farid Ali in the voters list of 1970 of village 101 Geramari Part-III at Serial No. 5*". Hence, this application by the applicant/petitioner of WP(C) No. 4733/2020 for correction of the said typographical error that occurred in paragraph 3 of the order dated 30.03.2023 passed in WP(C) No. 4733/2020.

5. The records of the said Foreigners Tribunal Case No. F.T-4/108/GPR/2017 had already sent back to the Foreigners Tribunal No. 4, Dhubri after the order dated 30.03.2023 passed in the said WP(C) No. 4733/2020.

6. We have perused the records of said WP(C) No. 4733/2020, its Annexure-2 in vernacular at page-32 and the photocopies of the certified copies of the voters lists relating to village 101 Geramari Part-III of No. 34 Gauripur Legislative Assembly and from those it is seen that the said voters list of 1970 at Serial No. 5, House No. 1, it contains the name of Esob Ali son of Farid, Male, aged about 22 years.

7. In view of the above, at paragraph 3 of the order dated 30.03.2023 passed in WP(C) No. 4733/2020, the words "*Eusof Ali son of Darid in the voters list of 1970 of village 101 Geramari Part-III at serial No. 632*" be read as "*Esob Ali son of Farid in the voters list of 1970 of village 101 Geramari Part-III pertaining to 34 Gauripur Legislative Assembly at serial*

No. 5, House No. 1, Male, aged about 22 years".

8. This order shall be read together with the order dated 30.03.2023, passed in WP(C) No. 4733/2020.

9. In the above terms this Interlocutory Application stands allowed to the extent above.

JUDGE

JUDGE

Comparing Assistant