

GAHC010075002022



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

Case No. : WP(C)/2802/2022

BABLU DAS @ GOPAL CHANDRA DAS
S/O- LATE SURENDRA CH. DAS, R/O- WARD NO. 19, BHAKARIVITA,
BONGAIGAON TOWN, P.O., P.S. AND DIST. BONGAIGAON, ASSAM, PIN-
783380.

VERSUS

THE UNION OF INDIA AND 4 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 AFFIARS
DISPUR
GUWAHATI-6.

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

4:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM
DIST. BONGAIGAON
ASSAM

5:THE DISTRICT ELECTION OFFICER
BONGAIGAON
ASSAM
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR. B J MUKHERJEE
Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

10.06.2024

Heard Ms. R. Saha, learned counsel for the petitioner. also heard Mr. A.I. Ali, learned Standing Counsel, Election Commission of India (ECI).

2. The petitioner is aggrieved that although he is an Indian Citizen his name is marked as "*D Voter*" in the voter list of Bongaigaon Legislative Assembly Constituency. Learned counsel for the petitioner has referred to an order dated 29.07.2000 issued by the then Court of Illegal Migrants (D) Tribunal, Goalpara. By the said order it was held by the Tribunal that the petitioner was registered by the F.R.R.O at Bongaigaon on 07.09.1998 for naturalization as a citizen of India. Learned counsel for the petitioner submits that the name of the petitioner be enlisted as a citizen of India and the endorsement "*D Voter*" be removed.

3. Mr. A.I. Ali, learned Standing Counsel, ECI appearing for the respondent nos. 3 & 5 submits that if the petitioner's name indeed registered by the F.R.R.O. at Bongaigaon, then the petitioner may appear before the competent authority, namely, Electoral Registration Officer (ERO), Bongaigaon along with the registration certificate issued by the F.R.R.O, Goalpara and thereafter, the

concerned respondents will take necessary steps to include the name of the writ petitioner in the list of the Indian Citizen after following the due procedure prescribed under the law.

4. Learned counsel for the petitioner does not object to submissions made by Mr. A.I. Ali, learned Standing Counsel, ECI.

5. Taking into consideration the submissions of the respective learned counsel, this writ petition is closed at this stage permitting the petitioner to appear before the ERO, Bongaigaon within a period of 30 (thirty) days from the date of receipt of a certified copy of this order and produce the original registration certificate issued by the F.R.R.O., Goalpara showing the name of the writ petitioner. If any such certificate and other relevant documents are produced before the ERO, Bongaigaon, the ERO will take into account such certificate and thereafter, proceed to take necessary steps to include the name of the petitioner as per the procedure prescribed.

6. The writ petition accordingly stands disposed of in terms of the above. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant

Sumita