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

Case No. : WP(C)/3444/2018

HANUFA BIBI AND 2 ORS.
W/O. LATE AFSAR ALI @ AFAZ ALI SK.

2: ABUL HUSSAIN
S/O AFSAR ALI @ AFAZ ALI SK.

3: RAFIQUUL ISLAM
S/O. AFSAR ALI @ AFAZ ALI SK.
ALL R/O. VILL.- BIRINGABARI
P.O. AND P.S. DHING
DIST. NAGAON
ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, HOME AFFAIRS DEPARTMENT, NEW DELHI-01.

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

3:THE ELECTION COMMISSION OF INDIA

NEW DELHI
INDIA.

4:THE STATE CO-ORDINATOR
NRC
ASSAM.

5:THE DEPUTY COMMISSIONER
NAGAON
DIST. NAGAON
ASSAM.

6:THE SUPERINTENDENT OF POLICE
NAGAON
DIST. NAGAON
ASSAM

Advocate for the Petitioner : MR A ALI

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

22/03/2024

(M.R. Pathak, J)

Heard Mr. A Ali, learned counsel for the petitioner. Also heard Mr. G Sarma, learned Standing counsel, Home Department, Assam for the respondent Nos. 2 & 6; Mr. T Pegu, learned counsel appearing on behalf of Mr. A I Ali, learned Standing counsel, Election Commission of India for the respondent No. 3 and Mr. P Sharma, learned Additional Senior Government Advocate, Assam for the respondent No. 5.

2. Petitioner No. 1 claimed to be the wife of Late Afsar Ali @ Afaz Ali Sk. of Village-Biringabari under Dhing Police Station of Nagaon District, where the petitioner Nos. 2 & 3 are their sons.

3. Petitioners contended that in the voters list of 2018 relating to Dhing Legislative Assembly Constituency, their names have been marked as 'D' (Doubtful) Voters. Hence, they preferred this writ petition for removal of the said 'D' mark from their names pertaining to the voters list of 2018.

4. Notice in this case was issued on 30.05.2018 and the respondents in the Election Commission of India or its authorities were directed to apprise the Court about the steps taken by it after marking the petitioners as doubtful 'D' Voters. However, the respondents did not file any affidavit(s) in the matter.

5. On being enquired, Mr. G Sarma, learned Standing counsel, Home Department, Assam on clear instructions from the Superintendent of Police (Border), Nagaon apprised the Court that as on date no such cases have been initiated against the petitioners considering them to be 'D' voters.
6. Mr. Sarma, learned Standing counsel, Home Department, Assam on further enquiry, on instructions submitted that the Superintendent of Police (Border), Nagaon did not receive any such report(s) from the Electoral Registration Officer of Nagaon District marking the petitioners as 'D' Voters for referring their cases to the concerned Foreigners Tribunal.
7. Mr. Ali, learned counsel for the petitioner also could not place before the Court as to whether in the subsequent voters list published after 2018 relating to Dhing LAC, whether the names of the petitioners have been shown as 'D' (Doubtful) voters or not.
8. Considering the above, this writ petition, being devoid of merit, stands dismissed.
9. However, it is made clear that if the petitioners being shown as 'D' (Doubtful) voters against their names in the voters list published recently for the 2024 Parliamentary Election under Dhing LAC, they may approach the appropriate forum for redressal of their grievances.
10. The written instructions placed before the Court today by Mr. G Sarma, learned Standing counsel, Home Department, Assam that he received from the Superintendent of Police (Border), Nagaon be kept as a part of the record.

JUDGE

JUDGE

Comparing Assistant