

GAHC010118672022



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

Case No. : WP(C)/4073/2022

SMT. KABITA GHOSE @ KABITA DAS
WIFE OF SRI AJIT GHOSE, DAUGHTER OF SRI MANINDRA DAS, RESIDENT
OF VILLAGE CHATAI CHAPORI, P.S. TEZPUR, DISTRICT- SONITPUR,
ASSAM, PIN- 784105.

VERSUS

THE UNION OF INDIA AND 7 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI-110001.

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSION OF INDIA
NIRVACHAN BHAWAN
ASHOKA ROAD
NEW DELHI- 110001.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE NATIONAL REGISTER OF CITIZENS
REPRESENTED BY THE STATE COORDINATOR
ACHYUT PLAZA
BHANGAGARH
GUWAHATI- 781005
DISTRICT- KAMRUP(M)
ASSAM.

5:THE DEPUTY COMMISSIONER
TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001.

6:THE MEMBER
FOREIGNERS TRIBUNAL 1ST
TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001.

7:THE SUPERINTENDENT OF POLICE (B)
SONITPUR
P.O. AND P.S.- TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001.

8:THE DEPUTY COMMISSIONER
DARRANG
DISTRICT- DARRANG
ASSAM
PIN- 784125

Advocate for the Petitioner : MR. A PAUL

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

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

04.03.2024.

Heard Shri A Paul, learned counsel for the petitioner. Also heard Shri G Bokolial, learned State Counsel, Assam as well as Shri K Gogoi, learned CGC.

2. Considering the fact and circumstances and the instructions received which were kept in a sealed cover and is opened today in Court, the present writ

petition is taken up for disposal at the admission stage.

3. The projected case is that the petitioner is in receipt of a notice from the Foreigners Tribunal, 1st, Tezpur in connection with FT (D) Case No. 5022/2012. The said proceeding is contested by the petitioner by filing written statement as well as evidence-on-affidavit. In connection with the said defence, the petitioner had applied for a certified copy of a document relating to the registration of citizenship in favour of one Late Jogendra Das who was the projected grandfather of the petitioner.

4. Since the said copy was not furnished, the instant writ petition has been filed.

5. During the course of hearing, written instructions were placed before this Court on 31.08.2022 which were directed to be kept in a sealed cover.

6. The aforesaid instructions have been perused and it appears therefrom that due to lack of cooperation from the petitioner, the certificate in question could not be traced out for a long time in spite of best efforts. However, after a thorough search, the certificate has been able to be located. In fact, along with the written instructions dated 10.08.2022, a copy of the Certificate of Registration has also been annexed.

7. In view of the above, this Court is of the opinion that there is no requirement to further prolong the present writ petition.

8. Accordingly, the writ petition is disposed of by directing the petitioner to

approach the appropriate authority/ establishment, namely, the office of the Deputy Commissioner, Darrang with a fresh application and on such approach, the certified copy of the Certificate of Registration which has been placed before this Court may be furnished to the petitioner or her representative. This Court, however, makes it clear that the contents of the said certificate would be examined by the appropriate authority conducting the FT (D) Case No.5022/2012 on its own merits.

9. Since this Court has been informed that the proceeding before the Tribunal has been stayed by this Court vide order dated 20.06.2022, the petitioner is directed to appear before the concerned Foreigners Tribunal within a period of 10 days after obtaining a certified copy of this order with her evidence-on-affidavit which may be accepted and the proceeding be carried on in accordance with law.

10. The interim order accordingly stands merged with the final order.

11. The written instructions dated 10.08.2022 along with the connected document is made a part of the records.

JUDGE

Comparing Assistant