

GAHC010155632019



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

**Case No. : I.A.(Civil)/2345/2019**

RUKSANA BEGUM  
W/O LATE SAIFUDDIN, R/O VILL. KAROIGURI, P.O. PUB SALPARA, P.S.  
RUPAHIHAT, DIST. NAGAON, ASSAM, PIN 782125

VERSUS

THE UNION OF INDIA AND 6 ORS.  
REPRESENTED BY THE SECY., THE MINISTRY OF POLITICAL AND HOME  
AFFAIRS, SHASTRI BHAWAN, TILAK MARG, NEW DELHI, 110001

2:THE ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN ASHOKA ROAD  
NEW DELHI- 110001

3:THE STATE OF ASSAM  
THROUGH THE COMM. AND SECY.  
TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPTT.  
DISPUR  
GHY-6

4:THE CHIEF ELECTION OFFICER  
ASSAM  
HOUSEFED COMPLEX  
BELTOLA ROAD  
GHY-6

5:THE ELECTORAL REGISTRATION OFFICER  
KALIABOR SUB-DIVISION  
DIST- NAGAON  
ASSAM  
PIN- 782001

6:THE DY. COMMISSIONER CUM DISTRICT ELECTION OFFICER CUM  
ELECTORAL REGISTRATION OFFICER  
NAGAON  
P.O. AND DIST- NAGAON  
ASSAM  
PIN- 782001

7:THE SUPERINTENDENT OF POLICE (B)  
NAGAON  
P.O. NAGAON  
DIST- NAGAON  
ASSAM  
PIN- 78200

**Advocate for the Petitioner** : MR. JUNM LASKAR, MS. A AHMED

**Advocate for the Respondent** : ASSTT.S.G.I., SC, F.T,SC, NRC,SC, ELECTION COMMISSION.

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**01.10.2024**

1. No one appears for the applicant. Mr. A.I. Ali, learned counsel appears for Election Commission of India, i.e. respondent nos.2, 4 & 5.
2. This is an application for correction of the mistakes made in the judgment and order dated 19.02.2019 passed in WP(C) 8540/2018. The applicant's case is that mistakes have occurred in paragraph nos.2, 3, 5 and 23 of the judgment and order dated 19.02.2019 and the same should be corrected as follows:  
**"A) *At Para 2-***  
*"...seeks a direction to the respondents to remove the tag of doubtful (D) voter against her name in the electoral roll." be replaced by-*

*"seeks a direction to the respondents to remove the tag of doubtful (D) voter against the name of late husband of the petitioner".*

**B) At Para 3-**

*"According to the petitioner she was a voter of Samuguri Constituency in the District of Nagaon but in the voter list of 1997 she was marked as "D" voter. Since then she has been continued to be marked as "D" voter thereby depriving her from exercising her right of franchise. Petitioner has questioned the process by which she was marked as "D" voter. According to the petitioner, she cannot be treated as a "D" for an indefinite period" be replaced by –*

*"According to the petitioner her husband was a voter of Samuguri Constituency in the District of Nagaon but in the voter list of 1997 he was marked as "D" voter. Since then he has been continued to be marked as "D" voter thereby depriving him from exercising his right of franchise. Petitioner has questioned the process by which her husband was marked as "D" voter. According to the petitioner, her husband cannot be treated as a "D" for an indefinite period"*

**C) At Para 5 at 3rd line** *"..... marking of the petitioner as a "D" voter" be replaced as ".....marking of the husband of the petitioner as a "D" voter".*

**D) At Para 23 (1)**

*1. Electoral Registration Officer, Nagaon shall forward the case of the petitioner....." be replaced by*

*1. Electoral Registration Officer, Nagaon shall forward the case of the husband of the petitioner....."*

3. Mr. A.I. Ali, learned counsel for the respondent nos.2, 4 & 5 submits that the application may be allowed, inasmuch as, there is no infirmity with the prayer made by the petitioner when reading the contents of the disposed of writ petition.

4. On perusal of the writ petition, it is found that mistakes have occurred in the judgment and order dated 19.02.2019, inasmuch as, the prayer for removal of the tag of "Doubtful Voter" was in relation to the petitioner's husband and not against the petitioner herself. Accordingly, the prayer of the applicant in terms of the above is allowed.

5. The correction of judgment and order dated 19.02.2019 passed in WP(C) 8540/2018 is accordingly made as follows :

**"A) At Para 2-**

"...seeks a direction to the respondents to remove the tag of doubtful (D) voter against her name in the electoral roll." be replaced by-

"seeks a direction to the respondents to remove the tag of doubtful (D) voter against the name of late husband of the petitioner".

**B) At Para 3-**

"According to the petitioner she was a voter of Samuguri Constituency in the District of Nagaon but in the voter list of 1997 she was marked as "D" voter. Since then she has been continued to be marked as "D" voter thereby depriving her from exercising her right of franchise. Petitioner has questioned the process

by which she was marked as "D" voter. According to the petitioner, she cannot be treated as a "D" for an indefinite period" be replaced by –

"According to the petitioner her husband was a voter of Samuguri Constituency in the District of Nagaon but in the voter list of 1997 he was marked as "D" voter. Since then he has been continued to be marked as "D" voter thereby depriving him from exercising his right of franchise. Petitioner has questioned the process by which her husband was marked as "D" voter. According to the petitioner, her husband cannot be treated as a "D" for an indefinite period"

**C) At Para 5 at 3rd line** "..... marking of the petitioner as a "D" voter" be replaced as ".....marking of the husband of the petitioner as a "D" voter".

**D) At Para 23 (1)**

1. Electoral Registration Officer, Nagaon shall forward the case of the petitioner....." be replaced by

1. Electoral Registration Officer, Nagaon shall forward the case of the husband of the petitioner....."

6. The I.A.(C) is accordingly allowed and disposed of.

**JUDGE**

**Comparing Assistant**