

GAHC010162282019



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

Case No. : WP(C)/4984/2019

CHARAN DASIR MANDAL @ BUSIR MANDAL
D/O LT. RASIR CHANDRA MANDAL, W/O LT. ANATH MANDAL, R/O. VILL.
NO. 2 BARANGAJULI, P.S. DIMAKUCHI, DIST. UDALGURI, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS.
REP. BY THE SECRETARY TO THE SECRETARY OF HOME AFFAIRS, GOVT.
OF INDIA, SASTRI BHAWAN, NEW DELHI, PIN-110001

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPTT. DISPUR
GUWAHATI-6

3:THE SUPERINTENDENT OF POLICE CUM REGISTERING AUTHORITY
UDALGURI (BTAD)
ASSAM
PO. AND P.S. UDALGURI
PIN-784509

4:THE NATIONAL REGISTER OF CITIZEN
REP. BY THE STATE COORDINATOR
ASSAM
ACHYUT PLAZA
BHANGAGARH
KAMRUP (M)
ASSAM
PIN-781006

5:THE STATE CO-ORDINATOR
ASSAM FOR NRC

ACHYUT PLAZA
BHANGAGARH
KAMRUP (M)
ASSAM
PIN-78100

Advocate for the Petitioner : MR. M A SHEIKH

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

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

17.07.2024

Heard Mr. M.A. Sheikh, learned counsel for the petitioner. Also heard Ms. U. Das, learned Addl. Sr. Government Advocate for the respondent Nos. 2 & 3. None appears for the respondent NRC when the matter is called.

The instant petition is being filed under Article 226 of the Constitution of India seeking direction, *inter alia*, to respondent No.5 in particular to include the name of the petitioner along with her sons and daughters in the NRC preparation, which is going on in the State of Assam.

It appears that the specific grievance of the petitioner is that the name of the petitioner along with her sons and daughter are not included in the draft NRC.

It further appears that there is a provision to prefer an appeal against the order of the NRC authorities before the Foreigners Tribunal under the Foreigners (Tribunals) Amendment Order, 2019 dated 30.05.2019.

However, the instant petition is being filed under Article 226 of the Constitution of India without availing the aforesaid alternative remedy, i.e., appeal.

In view of the availability of such alternative efficacious remedy, this Court is of the opinion that the instant writ petition is not maintainable.

Resultantly, the writ petition stands dismissed.

JUDGE

Comparing Assistant