

GAHC010187672023



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

Case No. : I.A.(Civil)/2518/2023

ANNA KHATUN,
W/O- AYEZ @ AYEZ UDDIN, D/O- ULI SHEIKH @ ULIM UDDIN, R/O- VILL-
BONGHUGI, P.S. KALGACHIA, DIST.- BARPETA (ASSAM).

VERSUS

UNION OF INDIA AND 5 ORS,
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT. OF INDIA, SHASTRI BHAWAN, TILOK MARG, NEW DELHI-
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2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER OF BARPETA
P.O. AND DIST.- BARPETA
ASSAM
PIN- 781301

4:THE SUPERINTENDENT OF POLICE (BORDER)
BARPETA
P.O. AND DIST.- BARPETA
ASSAM
PIN- 781301

5:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI-1

6:THE STATE CO-ORDINATOR OF NRC OF ASSAM
BHANGAGARH
GUWAHATI-

Advocate for the Petitioner : MD A ALI

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

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-03-2024
(S.P. Khaund, J)

- 1.** Heard Mr. A. Ali, learned counsel for the applicant/writ petitioner and Mr. G. Sharma, learned Standing Counsel, Home Department, Assam for the opposite-parties/respondent Nos. 2 and 4. Also heard Mr. P. Sharma, learned Addl. Senior Government Advocate, Assam for opposite-party/Respondent No.3.
- 2.** By this interlocutory application the applicant/writ-petitioner has prayed for correction of the typographical error in the order dated 04.08.2023 passed in the connected WP(C) No. 4396/2023 that is preferred by the applicant, as petitioner, challenging the final order dated 23.05.2023 passed by the learned Foreigners' Tribunal (5th), Barpeta, Assam in Case No. F.T. (5th) 338 of 2017, whereby she has been declared to be a foreigner of post 1971 stream under the Foreigners Act, 1946.
- 3.** It is contended by the applicant that in the said order dated 04.08.2023 passed in WP(C) No. 4396 of 2023, the applicant/writ-petitioner has been shown to be the daughter of Kalim Uddin and not Uli Sheikh/Ulim Uddin, whereas Kalim Uddin is her uncle.

4. The original relevant records were called for. Perused the original relevant records of the learned Foreigners Tribunal as well as the records of the connected WP(C) 4396/2023.

5. It is stated on behalf of the applicant that her father's name is Ulim Uddin, son of Naskar whose name has appeared in the voters list of 1966 of village-Sikartary at Serial No. 254 and not Kalim Uddin whose name has appeared in the same voter list at Serial No. 253. It is further submitted that it has been mentioned in the order dated 04.08.2023 in WP(C) No. 4396 of 2023 that the applicant's father is Kalim Uddin son of Naskar, however, in fact Kalim Uddin is the applicant's uncle and not father.

6. It is also submitted on behalf of the respondent Nos. 2 and 3 that from the records of WP(C) No. 4396/2023 and the original record of F.T.(5th) Case No. 338 of 2017 of Foreigners Tribunal (5th) Barpeta that the voters lists of 1966 and 1970 of Sikartary village of No. 52 Baghbar Legislative Assembly Constituency reflects that Ulim Uddin and Kalim Uddin are sons of Naskar.

7. We have considered the submissions of both the sides. The name of Kalim Uddin appears in the voters lists of 1966 and 1970, as son of Naskar and the name of Ulim Uddin also appears in the same voters lists mentioned above as son of Naskar.

8. The voters list of 1997 (Annexure-4) and the Jamabandi copy (Annexure-6) of Sikartary village reflect the name of Uli Sheikh and Jahura Khatun as the wife of Uli Sheikh, whereas Jahura Khatun was also shown as the wife of Ulim Uddin in the voters lists of 1966 (Annexure-2) as well as of 1970 (Annexure-3) both of Sikartary village under No. 52 Baghbar LAC. The applicant's name appears in another voters list of 1997 (Annexure-9).

- 9.** Land document (Jamabandi copy) exhibited by the applicant before the Tribunal, also annexed to the WP(C) No. 4396/2023 as Annexure-6 reflects Anna Khatun as daughter of Oli Sheikh and that of Johura Khatun as wife of Oli Sheikh.
- 10.** After considering the submissions on behalf of the applicant and the respondents, the application for correcting the typographical error in the order dated 04.08.2023 passed in WP(C) No. 4396 of 2023 is hereby allowed.
- 11.** Accordingly in the order dated 04.08.2023 passed in the connected WP(C) No. 4396/2023 the word "Kalim Uddin" shall be read as "Ulim Uddin".
- 12.** With the above observation this interlocutory application stands allowed to the extent above.

JUDGE

JUDGE

Comparing Assistant