

GAHC010199702024



AS:10320-DB

2024:GAU-

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

Case No. : WP(C)/5153/2024

MANIK ULLAH
S/O- LATE ANESH ALI,
VILL- TEKONA,
P.O.- KATARIHARA,
P.S.- LAKHIPUR,
DIST- GOALPARA, ASSAM,
PIN- 783132.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT.
OF INDIA, NEW DELHI-1.

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY ITS SECRETARY
NIRVACHAN BHAWAN
NEW DELHI-1.

3:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE STATE COORDINATOR OF NRC
ASSAM
BHANGAGARH
GUWAHATI-05.

5:THE DEPUTY COMMISSIONER CUM DISTRICT ELECTION OFFICER

GOALPARA
ASSAM. PIN- 783101.

6:THE SUPERINTENDENT OF POLICE(B)
GOALPARA
ASSAM. PIN- 783101

Advocate for the Petitioner : MR. M ALI, H R KHAN

Advocate for the Respondent : DY.S.G.I., SC, ECI,SC, F.T,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

21.10.2024

Heard Mr. M. Ali, learned counsel for the petitioner; Ms. L. Devi, learned Central Government Counsel [CGC] for the respondent no. 1; Mr. H. Kuli, learned counsel representing Mr. A. Ali, learned Standing Counsel, Election Commission of India [ECI] for the respondent no. 5; Mr. J. Payeng, learned Standing Counsel, Home Department for the respondent nos. 3, 4 & 6; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent no. 5.

2. The petitioner is aggrieved because of the tag 'D' mentioned against his name in the voters lists of 2011 onwards in respect of 39 no. Jaleswar Legislative Assembly Constituency [LAC] for Village – Tekona, Police Station – Lakhipur, District – Goalpara.

3. It is the contention of Mr. Ali, learned counsel for the petitioner that the petitioner is possessing all the necessary documents to establish his lineage from his grandparents and parents.

4. Both Mr. Kuli, learned counsel appearing for ECI and Mr. Payeng, learned Standing Counsel, Home Department have submitted that the writ petition can be disposed of with the

similar kind of observations, as have been passed in a similar writ petition, W.P.[C] no. 6203/2019. Mr. Ali, learned counsel for the petitioner has agreed to such submission made by the learned counsel for the respondents.

5. In view of the above submissions of the learned counsel for the parties, this writ petition, as consented by Mr. Ali, at this stage, stands disposed of thereby directing that the Superintendent of Police [B], Goalpara, after due verification, if necessary, shall refer the petitioner on his approach, to the concerned Foreigner Tribunal in order to examine the various documents to be submitted by the petitioner and for passing appropriate opinion in that regard.

6. Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant