

GAHC010212482024



AS:12074-DB

2024:GAU-

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

Case No. : WP(C)/5322/2024

SAMAR ALI
SON OF LATE ABDUL GAFUR, PERMANENT RESIDENT OF VILLAGE-
KANYAGHAT, POLICE STATION-CHARIDUAR, DISTRICT- SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, SHASTRI BHAWAN, NEW DELHI- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSION
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

4:THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZENS
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S. ROAD
BHANGAGARH
GUWAHATI
ASSAM

PIN- 781005

5:THE DISTRICT COMMISSIONER
SONITPUR
POST OFFICE- TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001

6:THE SUPERINTENDENT OF POLICE (BORDER)
SONITPUR
POST OFFICE- TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001

7:THE OFFICER-IN-CHARGE OF CHARIDUAR POLICE STATION
DISTRICT- SONITPUR
ASSAM
PIN- 78410

Advocate for the Petitioner : MR. M AHMED, MR A N IQBAL

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.12.2024

(K.R. Surana, J)

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. G. Sharma, learned Standing Counsel, Foreigner's Tribunal representing respondent Nos. 2, 4, 6 and 7, Ms. L. Devi, learned CGC appearing for respondent No. 1, Mr. H. K. Hazarika, learned Government Advocate appearing for respondent No. 5, and Mr. H. Kuli, learned counsel appearing on behalf of Mr. A.I. Ali, learned Standing

Counsel, ECI for the respondent No. 3.

2. Pursuant to the order dated 23.10.2024, the learned Standing Counsel, Foreigner's Tribunal has produced the scanned copy of the opinion dated 27.09.2024, passed by the Learned Member, Foreigner's Tribunal-7th, Tezpur at Balipara, in connection with the proceedings of Case No: FTDC 1499/2016, arising out of Ref No. TZIP.(B)/2001/1571 by which the petitioner was declared a foreigner of post 25.03.1971 stream.

3. The learned counsel for the petitioner has submitted that in this writ petition, the petitioner has challenged the orders dated 21.03.2024 and 07.05.2024, by which his prayer for giving time to examine the witnesses was rejected.

4. In view of the changed circumstances, the learned counsel for the petitioner prays for liberty to withdraw this writ petition so as to challenge the opinion dated 27.09.2024, rendered in the proceedings of FTDC Case No. 1499/2016, as well as the interlocutory orders dated 21.03.2024 and 07.05.2024, passed therein, which are the subject matter of this writ petition.

5. Prayer is allowed.

6. Accordingly, this writ petition is permitted to withdraw with liberty to the petitioner to approach again for the purpose of assailing the opinion dated 27.09.2024 as well as the interlocutory orders dated 21.03.2024 and 07.05.2024, referred above, if so advised.

7. The copy of the said scanned copy of the orders dated 07.05.2024, 27.06.2024 and the opinion dated 27.09.2024, as produced by the learned Standing Counsel, Foreigner's Tribunal are retained as a part of the record.

JUDGE

JUDGE

Comparing Assistant