

GAHC010224222024



2024:GAU-AS:11409-DB

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

Case No. : WP(C)/5499/2024

ALTAF HUSSAIN MAZUMDER
S/O- LATE MASKANDAR ALI MAZUMDER, PERMANENT RESIDENT OF
VILLAGE- SRIPUR PART-II, P.O. FULBARI, P.S. KATIGORAH, DISTRICT-
CACHAR, ASSAM, PRESENTLY RESIDING AT VILLAGE- TULARGRAM
PART-I, P.O. SONAIMUKH, P.S. SONAI, DISTRICT- CACHAR, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT.
OF INDIA, NEW DELHI, PIN- 110001

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI
PIN- 110001

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOME
DISPUR GUWAHATI- 06

4:THE STATE COORDINATOR OF NATIONAL REGISTER OF CITIZENS (NRC)
GOVT. OF ASSAM
DISPUR GUWAHATI-06

5:THE DEPUTY COMMISSIONER
CACHAR
P.O. SILCHAR
DISTRICT- CACHAR
ASSAM PIN- 788001

6:THE SUPERINTENDENT OF POLICE (B)

CACHAR
P.O. SILCHAR
DISTRICT- CACHAR
ASSAM PIN- 78800

Advocate for the Petitioner : MR. K A MAZUMDER, S A ISLAM, MR A HAI

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

20.11.2024

[K.R. Surana, J.]

Heard Mr. K.A. Mazumder, learned counsel for the petitioner. Also heard Ms. L. Devi, learned Central Government Counsel for the respondent no. 1; Ms. P. Barua, learned Standing Counsel, ECI for the respondent no. 2; Mr. G. Sarma, learned Standing Counsel, FT and Home Department representing respondent nos. 3 & 6; and Mr. P. Sarmah, learned Additional Senior Govt. Advocate appearing for the respondent no. 5. None appears for the respondent no. 4 on call.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 11.09.2024, passed by the learned Member, Foreigner's Tribunal 6th, Silchar in F.T. 6th (D) Case no. 1916/2023, by which Petition no. 341/2024 was rejected.

3. Pursuant to the order dated 11.09.2024, the records of the F.T. 6th (D) Case no. 1916/2023 which was called for and received, has been perused. It appears that by the order 30.01.2024, the cross-examination of D.W.1 was partly recorded and further cross-examination was kept pending. The records also reveals that the cross-examination was inadvertently recorded at the back page of the written statement instead of recording it separately in the back

page of evidence-on-affidavit filed by the writ petitioner as D.W.1. Accordingly, it appears that the Registry of the Tribunal has subsequently recorded at the bottom of the cross-examination, clarifying that “cross is inadvertently recorded on the page reverse page of W/S instead of instead of Evi. of D.W.1. Sd/- illegible, 05.10.2024”. Thereafter by the order dated 29.02.2024, the learned Member, Foreigner’s Tribunal 6th, Silchar has recorded that further cross of D.W.1, as of now, is not necessary and the matter was fixed for hearing the argument on 07.03.2024.

4. Subsequently, in course of proceedings, the petitioner filed Petition no. 341/2024 and the matter was heard on 11.09.2024. After hearing, the said petition was rejected and the matter was fixed on 05.10.2024 for hearing the further argument, if any, and also for judgment. Thereafter, the matter came to be adjourned on 05.10.2024 and the records were called for. By order dated 29.10.2024, the records of the Tribunal was sent to this Court.

5. After some deliberations, the learned counsel for the petitioner seeks to withdraw this writ petition with liberty to approach the learned Member, Foreigner’s Tribunal 6th, Silchar to file appropriate application, if so advised.

6. The prayer is allowed.

7. The writ petition stands closed on withdrawal with the liberty to the petitioner as prayed for.

JUDGE

JUDGE

Comparing Assistant