

GAHC010236662017



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

Case No. : WP(C)/3260/2017

RUSTAM ALI @ ROSTAM ALI
S/O. LT. ABBAS ALI @ ABBRAS ALI, VILL. SHERPUR, P.O. BHAKATPARA,
P.S. DHULA, DIST. DARRANG, ASSAM.

VERSUS

THE UNION OF INDIA and 4 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI-110069.

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY.-781006.

3:THE SUPDT. OF POLICE B

DARRANG
P.O. and DIST. DARRANG
MANGALDAI
ASSAM
PIN-784125.

4:THE DEPUTY COMMISSIONER

DARRANG
P.O. and DIST. DARRANG
MANGALDAI
ASSAM
PIN-784125.

5:THE ELECTION OFFICER

DARRANG
P.O. and DIST. DARRANG
MANGALDAI
ASSAM
PIN-784125

Advocate for the Petitioner : MR.E HUSSAIN

Advocate for the Respondent :

BEFORE

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA**

O R D E R

17.05.2024

(M.R. Pathak, J)

Heard Mr. D. A. Kaiyum, learned counsel appearing for the petitioner and Ms. A. Verma, learned Standing Counsel, Home Department, Assam for the respondent Nos. 2 & 3. Also heard Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the respondent No.4 and Mr. A.I. Ali, learned Standing Counsel, Election Commission of India, for the respondent No.5.

2. Aggrieved by the order dated 17.01.2017 passed by the learned Member, Foreigners' Tribunal (4th), Darrang, Mangaldai in F.T.(4th) Case No.930/2015, by which the Tribunal opined that the petitioner has entered into the territory of India (Assam) after 1966, but prior to 24.03.1971 and accordingly directed him to register his name as per the provisions of Section 6(A)(3) of the Citizenship Act, 1955, as amended, observing that his name will be deleted from the voters list for a period of 10(ten) years, the petitioner has filed this writ petition.

3. Against the said order dated 17.01.2017 passed by the learned Member, Foreigners' Tribunal (4th), Darrang, Mangaldai in F.T.(4th) Case No.930/2015, the

petitioner also preferred a review petition No.15/2017 before the Foreigners' Tribunal (4th), Darrang, Mangaldai, which was rejected by an order dated 04.05.2017.

4. While issuing notice in this case, the Court by order dated 05.06.2017 granted interim protection to the petitioner that he shall not be taken into custody and shall not be deported from India and also granted him bail directing him to appear before the Superintendent of Police (Border), Darrang, Mangaldai within 15(fifteen) days from the date of the said order dated 05.06.2017.

5. During the pendency of this writ petition, the petitioner filed an additional affidavit on 21.01.2020, wherein he has stated that he submitted his application in Form-XVIII under Section 6(A) of the Citizenship Act, 1955 on 28.07.2017 before the Special Foreigners' Regional Registration Officer (FRRO)-cum-Superintendent of Police (Border), Darrang, Mangaldai, seeking registration of his name in pursuance of the order dated 17.01.2017 passed by learned Member, Foreigners' Tribunal (4th), Darrang, Mangaldai in F.T.(4th) Case No.930/2015, that was referred by the Superintendent of Police (Border), Darrang, Mangaldai on 24.03.2000 in IM(D)T Case No.100/1999.

6. Mr. D.A. Kaiyum, learned counsel appearing for the petitioner, on instruction, submitted that since the petitioner has already submitted the necessary application seeking his registration pursuant to the order dated 17.01.2017 of the learned Member, Foreigners' Tribunal (4th), Darrang, Mangaldai, noted above, the petitioner is not pressing this writ petition.

7. Accordingly, this writ petition, as not pressed, being infructuous, stands dismissed.

8. The interim bail granted to the petitioner earlier by the Court on 09.06.2017 is hereby recalled/stands vacated.

9. However, the Home Department of the State as well as the Superintendent of Police (Border), Darrang, Mangaldai shall verify as to whether the petitioner on 28.07.2017 have registered himself before the Special FRRO-cum-Superintendent of Police (Border), Darrang, Mangaldai, as provided under Section 6(A) of the Citizenship Act, 1955 or not. If not, the Superintendent of Police (Border), Darrang, Mangaldai shall be able to take appropriate action in accordance with law against the petitioner.

10. Registry shall return the records of F.T.(4th) Case No.930/2015 forthwith that was called for by order dated 05.06.2017 to the Foreigners' Tribunal (4th), Darrang, Mangaldai along with a copy of this order and a copy of the additional affidavit filed on 21.01.2020 in this petition along with the application annexed thereto.

JUDGE

JUDGE

Comparing Assistant