

GAHC010241472017



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

Case No. : WP(C)/5928/2017

AMAL DEBNATH
S/O. LT. DINESH DEBNATH, R/O. VILL. JALUKBARI, P.O. DO., P.S.
KHOIRABARI, DIST. UDALGURI, ASSAM.

VERSUS

THE UNION OF INDIA and 6 ORS.
REP. BY THE MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, NEW DELHI,
PIN-110001.

2:THE STATE OF ASSAM
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF HOME
GHY.-06.

3:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER
GOVT. OF INDIA NEW DELHI-110001.

4:THE STATE ELECTION COMMISSION
REP. BY THE STATE ELECTION COMMISSIONER
GOVT. OF ASSAM GHY.-

5:THE DEPUTY COMMISSIONER
DIST. OF UDALGURI ASSAM PIN-

6:THE SUPERINTENDENT OF POLICE BORDER
DIST.- UDALGURI ASSAM PIN.-

7:THE OFFICER-IN-CHARGE OF KHOIRABARI POLICE STATION
DIST. UDALGURI ASSAM PIN.

Advocate for the Petitioner : MR.R C DAS
Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 03.06.2024

Heard Ms. D. Bongshiary, learned counsel for the petitioner. Also heard Mr. S. S. Roy, learned counsel; Ms. U. Das, learned Government Advocate; and Mr. H. Ali, learned counsel, appearing on behalf of their respective respondents.

The petitioner by way of instituting the present proceeding, has presented a challenge to being denoted as 'D Voter' in the Voters' List of 1997 and thereafter.

The petitioner in the present proceeding has submitted that the authorities after denoting him as a 'D Voter', has not taken further steps for referring his case to the jurisdictional Foreigner's Tribunal for determining the citizenship status of the petitioner.

Ms. Das, learned Government Advocate, has submitted that in view of the fact that the petitioner has been denoted as a 'D Voter'; necessary steps would be taken for referring the case of the petitioner to the jurisdictional Foreigner's Tribunal for determination of his citizenship status, if such steps have not already been so taken.

In this connection, Ms. Das, learned Government Advocate, has referred to the guidelines laid down by this Court vide order, dated 19.02.2019, passed

in WP(c)91/2019[Sayam Uddin v. Union of India & ors.], wherein, a coordinate Bench of this Court had indicated the steps that were required to be taken in the matter. It is not in dispute that the said guidelines can be suitably followed in the present case, as well.

In view of the submission made at the Bar; the instant writ petition is disposed of by granting to the petitioner, 15 days' time to produce a certified copy of this order to the Superintendent of Police(Border), Udalguri District, along with a representation praying for forwarding the case of the petitioner to the jurisdictional Foreigner's Tribunal for a determination of his citizenship status.

The Superintendent of Police(Border), Udalguri District, on receipt of such application from the petitioner along with the certified copy of this order, shall take appropriate steps for ensuring that within a period of 30 days thereafter, a reference is made before the jurisdictional Foreigner's Tribunal so as to determine the question of citizenship of the petitioner, in accordance with law.

With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant