

GAHC010281532023



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

Case No. : WP(C)/6940/2023

AJIT SEAL
SON OF- LATE MAHENDRA SEAL @ MAHENDRA KUMAR SEAL
RESIDENT OF VILLAGE- CHUNGUNJAN
AMGURI NO.1
POLICE STATION- SARU PATHAR
DISTRICT- GOLAGHAT
ASSAM PIN- 785621

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE HOME SECRETARY
GOVT. OF INDIA

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

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

4:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENSHIP (NRC)
ASSAM
BHANGAGARH
GUWAHATI- 781005

5:THE DEPUTY COMMISSIONER
DISTRICT- GOLAGHAT
PIN- 785621

6:THE SUPERINTENDENT OF POLICE (BORDER)
DISTRICT- GOLAGHAT
PIN- 785621
ASSAM

7:THE OFFICER-IN-CHARGE
POLICE STATION- GOLAGHAT
DISTRICT- GOLAGHAT
PIN- 785621
ASSAM

Advocate for : MR. N SARKAR
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 6 ORS

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

07-02-2024
(M.R.Pathak, J)

Heard Mr. N. Sarkar, learned counsel for the petitioner and Mr. A. I. Ali, learned Standing Counsel, Election Commission of India for the respondent No.1. Also heard Ms. A. Verma, learned Standing Counsel, Home Department, Assam for the respondent Nos. 3, 6 and 7 as well as Mr. P. Sharma, learned Additional Senior Government Advocate, Assam for the respondent No.5.

2) On being referred by the Superintendent of Police (Border), Golaghat, the learned Member, Foreigners' Tribunal, Jorhat in Case No.FTG(D) 56/2011 after hearing the petitioner and considering the evidences adduced by him, by the impugned judgment and order dated 21.08.2018, declared the petitioner to be a foreigner under the Foreigners Act, 1946 within the stream of 01.01.1966 to 24.03.1971.

3) By the said judgment and order dated 21.08.2018, the Tribunal concerned

directed the petitioner to register his name before the Foreigners Regional Registration Officer (FRRO), Jorhat within 30 (thirty) days from the date of said judgment and order dated 21.08.2018 as required under Rule 19 of the Citizenship (Amendment) Rules, 2009, (as amended) directing the Deputy Commissioner, Golaghat to struck off the name of the petitioner from all Voters Lists for a period of 10 years as required under Section 6A (4) of the Citizenship Act, 1955, as amended.

4) However, pursuant to the said judgment and order dated 21.08.2018 of the Foreigners' Tribunal, Jorhat, the petitioner did not register his name before the concerned FRRO of Golaghat District within thirty days from the date of the said order and has filed this writ petition on 29.11.2023 after more than 5 (five) years praying for a direction to the respondent authorities to allow him to register his name before the appropriate authority under Rule 19 of the Citizenship (Amendment) Rules, 2009, as amended.

5) Mr. Sarkar, learned counsel for the petitioner submitted that during the said period of 30 days in terms of the judgment and order dated 21.08.2018, noted above, the petitioner could not register his name before the concerned FRRO, Jorhat as in the meanwhile, he suffered from various medical ailments and to that extent the petitioner annexed certain medical certificates and medical reports issued during the period from March, 2020 to September, 2023.

6) It is seen from the statement made by the petitioner regarding his health ailments and about the medical certificates annexed to this writ petition are not from the record, but from his knowledge. Moreover, the medical certificates issued by the Doctors in his favour annexed by the petitioner to this writ petition are without their registration numbers.

7) After hearing the learned counsels for the parties and considering the entire aspect of the matter, we accordingly extend the time to the petitioner to register his name before the Foreigners Regional Registration Officer (FRRO), Jorhat **on or before 23.02.2024**, subject to payment of a cost of Rs. 20,000/- (Rupees Twenty Thousand) only, to be paid by the petitioner in cash or in Demand Draft before the Secretary, District Legal Services Authority, Golaghat on or before 22.02.2024.

8) The petitioner after obtaining a valid payment receipt of such deposit/ payment of cost of Rs. 20,000/- from the Secretary, District Legal Services Authority, Golaghat shall appear before the Foreigners Regional Registration Officer (FRRO), Jorhat on or before 23.02.2024 along with the money receipt towards payment of said cost and the certified copy of this order.

9) On submission of necessary applications, as required under the law and the Citizenship Act, 1955 as well as the Rules framed under it pertaining to registration of his name before the FRRO, Jorhat by the petitioner on or before 23.02.2024, the Superintendent of Police (Border), Golaghat shall immediately inform the Deputy Commissioner-cum-District Election Officer, Golaghat about the same so that the concerned District Election Officer can take appropriate steps not to enlist the name of the petitioner in any Voter Lists for a period of 10 (ten) years from the date of submission of applications for registration of his name before the FRRO concerned, as per the provisions of the Citizenship Act, 1955.

10) Accordingly, the impugned judgment and order dated 21.08.2018, passed by the learned Member, Foreigners' Tribunal, Jorhat in Case No.FTG(D) 56/2011 is modified to the extent above. However, the other observations and directions made in the said judgment and order dated 21.08.2018 passed by the

Foreigners' Tribunal, Jorhat shall remain intact.

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

JUDGE

JUDGE

Comparing Assistant