

20th November,
2023
(AK)
23

W.P.A. 25295 of 2023

Binita Modi
Vs.
The union of India and others

Mr. Arif Ali
Mr. Sayantak Das
Mr. S. Bhattacharjee
...for the petitioner.

Mr. A. Basu
Mr. S. Sinha
...for the respondent nos.2 & 3.

Mr. Anuran Samanta
...for the respondent nos.4 & 5.

1. The grievance of the petitioner is that the private respondents are Bangladeshi citizens.
2. It transpires that there are certain disputes pertaining to property also between the petitioner and the private respondents who are in-laws between themselves.
3. Be that as it may, it is beyond the scope of the writ petition to adjudicate on merits the allegations made with regard to the private respondents having obtained documents of Indian citizenship fraudulently, including Aadhaar Card and Voter's Identity Card and likewise.

4. Learned counsel for the private respondents controverts the allegations made by the petitioner and submits that the present writ petition is not maintainable.

5. Be that as it may, the limited scope of the writ petition is that the petitioner has made complaints against the private respondents on the premise that the private respondents are Bangladeshi citizens, seeking cancellation of their Aadhaar Cards, Voter's Identity Cards and other documents, which have not been decided as yet.

6. Hence, WPA 25295 of 2023 is disposed of by directing the respondent authorities, in particular the respondent no.2 and the respondent no.5, to decide on the representation given by the petitioner annexed at page-54 of the writ petition and to take appropriate steps accordingly, by undertaking an enquiry in that regard, if the respondents so deem fit.

7. If such an enquiry is undertaken, the respondent authorities shall give an opportunity of representation and/or hearing to the private respondents against whom the said allegations have been made.

8. It is made clear that the merits of the allegations made in the writ petition have not been gone into and, as affidavits have not been invited, it is deemed that none of

the allegations made in the writ petition are admitted by any of the respondents.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)