

GAHC010017992026



2026:GAU-AS:2073

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

Case No. : WP(C)/781/2026

ABDUL MOTLEB SHEIKH
S/O-LATE KURAN SHEIKH ALIAS KURAN ALI, R/O-VILL.KHARMUJA, P.S
AND DIST.-GOALPARA, ASSAM, PIN -783101

VERSUS

THE UNION OF INDIA AND OTHERS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS, GOVT OF INDIA, NEW DELHI 1

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

3:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI 1

4:THE STATE ELECTION COMMISSIONER
ASSAM
PANJABARI
SIXMILE
GUWAHATI 781037

5:THE ELECTION OFFICER
GOALPARA
PO AND DIST GOALPARA

ASSAM
PIN 783101

6:THE DISTRICT COMMISSIONER
GOALPARA
PO AND DIST GOALPARA
ASSAM
PIN 783101

7:THE SUPERINTENDENT OF POLICE (BORDER) GOALPARA
PO AND DIST GOALPARA
ASSAM
PIN 78310

Advocate for the Petitioner : MR. S I TALUKDAR, MR. A R SIKDAR,J A SIKDAR

Advocate for the Respondent : DY.S.G.I., SC, ASEC,SC, ECI,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 13.02.2026

Heard Mr. A. R. Sikdar, learned counsel for the petitioner. Also heard Mr. J. Payeng, learned counsel for the respondent Nos. 2 and 7, Mr. A. I. Ali, learned counsel for the respondent Nos. 3 and 5, Ms. N. B. Kayastha, learned counsel for the respondent No.4 and Mr. S. R. Baruah, learned counsel for the respondent No.6.

[2.] Having regard to the nature of grievance projected by the petitioner in the instant writ petition, the writ petition is taken up for disposal at the motion stage itself.

[3.] It is the case of the petitioner that he has been marked as 'D' voter in the voter list of 1997 without giving him any opportunity to demonstrate that he is a genuine citizen of India by producing relevant documents. Therefore, by filing this writ petition, the writ petitioner prays for a direction to the respondent

authorities concerned to remove the tag 'D' from the voter list. The learned counsel for the respondents on the other hand submits that similar matters have been disposed of by this Court by directing the Superintendant of Police, Border concerned to verify as to whether the person concerned have been referred to the Foreigners Tribunal for opinion and if not, to do the same. Therefore, the learned counsels for the respondents pray that the present matter may also be disposed of in similar lines. Be it stated herein that whether the petitioner is a 'D' voter or not is a fact which has to be determined by the appropriate forum and to do the same the Foreigners Tribunal has been established. Therefore, this Court in exercise of writ jurisdiction cannot decide questions in which evidence are required to be taken.

[4.] In view of above, the writ petition is disposed of by directing the Superintendant of Police, Border, Goalpara (respondent No.7) to verify as to whether the petitioner has already been referred to the concerned Foreigners Tribunal or not. If upon verification, it is found that the petitioner has not been referred, the respondent No.7 shall refer the case of the petitioner to the concerned Foreigners Tribunal in respect of marking of 'D' in the voter list of the petitioner. It may also be stated herein that earlier the petitioner fell under the 38 Goalpara West LAC but now after the de-limitation, the petitioner would fall under the jurisdiction of 12 Joleswar LAC.

[5.] Reference is to be made within a period of 2(two) months from the date of receipt of a certified copy of this order. Upon such reference being made, the petitioner may participate in such proceedings and establish his case. If the case of the petitioner has already been referred to before the concerned Foreigners Tribunal, there would be no requirement to make any further reference and a detailed information of the reference be communicated to the petitioner.

[6.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant