

GAHC010048752019



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

Case No. : WP(C) 1772/2019

1:ABDUL JABBAR
S/O HASEN, R/O DATIYALBORI, P.S.- LAHORIGHAT, DIST.- MORIGAON,
ASSAM

VERSUS

1:THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI- 1

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

3:THE ASSAM STATE ELECTION COMMISSION
ASSAM
HOUSEFED COMPLEX
DISPUR
BORMOTORIA
GUWAHATI
ASSAM
PIN- 781006

4:THE STATE CO-ORDINATOR
NRC
ASSAM
BHANGAGARH
GUWAHATI
PIN-7810053

5:THE DEPUTY COMMISSIONER
MORIGAON
P.O. AND DIST.- MORIGAON

ASSAM
PIN-782411

6:THE SUPERINTENDENT OF POLICE (B)
MORIGAON
P.O. AND DIST. MORIGAON
ASSAM
PIN- 782411

7:THE OFFICER-IN-CHARGE
MORIGAON POLICE STATION
P.O- MORIGAON
DIST. MORIGAON
ASSAM
PIN- 78241

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

29.11.2019

Suman Shyam, J.

Heard Mr. J. Ahmed, learned counsel for the petitioner. We have also heard Mr. A. Kalita, learned Standing Counsel, FT, appearing for the respondent Nos.2, 5, 6 and 7.

Mr. Ahmed submits that although his client has produced the copies of the voters' list of the years 1965, 1970, 1989 and 1997 along with necessary land documents to establish his claim of citizenship, yet the learned Tribunal has declared him a foreigner merely because the name of the village to which the

petitioner had shifted during the interregnum, has not been indicated in the voters' list.

After perusal of the impugned order dated 30.11.2018 passed by the learned Tribunal, we are of the view that the matter calls for examination.

As such, Registry to requisition the LCR from the learned Foreigners Tribunal and list the matter again for motion after receipt of the LCR.

Since a prayer for interim order has been made by the petitioner's counsel, we direct the petitioner to appear before the concerned Superintendent of Police within 10 (ten) days from today. On such appearance, the petitioner may be released on furnishing a bond of Rs.5000/- (Rupees Five Thousand) and one surety of the like nature to the satisfaction of the concerned Superintendent of Police. The concerned Superintendent of Police may also take steps for capturing the finger prints and biomatrix of iris of the petitioner's eye balls, if so advised.

Let the matter be listed after receipt of the LCR.

JUDGE

JUDGE

Comparing Assistant