

GAHC010074302023



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

Case No. : WP(C)/2011/2023

CHANU ALI AND ANR
S/O- LATE GAPHUR ALI, R/O- VILL- BARBARI, P.O. SARUPETA, MOUZA-
HASTINAPUR, P.S. PATACHARKUCHI, DIST.- BARPETA, ASSAM, PIN- 781318

2: MANOWAR ALI
S/O- MAKBIL ALI
R/O- VILL- BARBARI
P.O. SARUPETA
MOUZA- HASTINAPUR
P.S. PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 78131

VERSUS

THE UNION OF INDIA AND 6 ORS
NOTICE THROUGH THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME AFFAIRS, SHASTRI BHAWAN, TILOK MARG, NEW DELHI-1

2:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

3:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

4:THE CHIEF ELECTORAL OFFICER
ASSAM
ELECTION DEPTT.

4TH BLOCK
ASSAM SECRETARIAT
DISPUR
GHY-6

5:THE DEPUTY COMMISSIONER
BARPETA AT BARPETA

6:THE ELECTION OFFICER
BAJALI AT PATHSALA

7:HEMASHRI KHANIKAR
ELECTION OFFICER
BAJALI AT PATHSALA
P.O. PATHSALA
DIST.- BARPETA
ASSAM
PIN- 78132

Advocate for the Petitioner : MR. U K DAS, MS. B D SARMAH

Advocate for the Respondent : DY.S.G.I., MR S AFRIDI(R7),MR D GOSWAMI(R7),SC,
ELECTION COMMISSION.,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 07-05-2026

Heard Mr. U.K. Das, learned counsel for the petitioner as well as Mr. A.I. Ali, learned standing counsel for Election Commission of India appearing for the respondent nos. 2, 4 and 6, Ms. U. Das, learned counsel for the respondent nos. 3 and 5 and Mr. S. Afridi, learned counsel for the respondent no. 7.

2. The simple grievance of the petitioners is for providing of certified copy of Voter list of 1970 wherein the name of one Gaphur Ali, son of Dhaniya, father and grandfather of the petitioners, was enrolled.

3. The petitioners are son and grandson of Late Gaphur Ali. Earlier, the petitioner no.1

applied for a certified copy of the Voter list of 1970 which was issued to him. However, the name of the father of the petitioner no.1 was wrongly struck off by the respondent no. 7. Against such action of the respondent no.7, a writ petition being WP(C) 3998/2021 was filed before this Court. During the pendency of writ petition, a corrected certified copy of the Voter list of 1970 as sought for by the petitioner no.1 was provided. Accordingly, writ petition was withdrawn.

4. Thereafter when the petitioner no. 2, the grandson of Late Gaphur Ali, applied for another certified copy of the Voter list of 1970, the respondent authorities have allegedly denied the same without any reason. Hence, this petition has been filed seeking a direction to issue a certified copy to the respondent no.2 as the petitioners are the bonafide citizen of India.

5. Mr. A.I. Ali, learned standing counsel for the Election Commission of India, upon instructions, submits that the petitioner no.1 has already been furnished a certified copy of the Voter list of 1970. As per the records the name of Late Gaphur Ali is entered in the Voter list of 1970 and the Election Commission is ready to provide the certified copy to the petitioners. Therefore, he submits that the respondents may be granted 2(two) weeks time to provide the certified copy of the Voter list of 1970 to the petitioners.

6. Having considered the simple nature of grievance for providing of certified copy of the Voter list of 1970 wherein the name of Late Gaphur Ali is recorded and considering that the respondent authorities are ready to provide the said certified copy to the petitioners, I am of the considered view that no further adjudication is required to be made in this present proceedings.

7. This writ petition is, accordingly, disposed of with a direction to the respondent authorities to provide a certified copy of the Voter list of 1970 to the petitioners within a period of 2(two) weeks from today. The petitioners shall approach the respondent no.6 i.e. the Election Officer, Bajali at Pathsala, Assam.

8. Writ petition stands disposed of.

JUDGE.

Comparing Assistant