

GAHC010135302017



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

Case No. : WP(C) 4369/2017

1:ALO NANDI
W/O. LT. SUBAL NANDI, R/O. DOBOKA TOWN WARD NO.6, P.O. and P.S.
DOBOKA, DIST. NAGAON, ASSAM.

VERSUS

1:THE UNION OF INDIA and 3 ORS.
REP. BY SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI.

2:THE STATE OF ASSAM
REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
ASSAM SECRETARIAT
DISPUR
GHY.-781006.

3:THE DY. COMMISSIONER
HOJAI
P.O.
P.S. and DIST. HOJAI
ASSAM.

4:THE SUPDT. OF POLICE B
HOJAI
P.O. and P.S. and DIST. HOJAI
ASSAM

Advocate for the Petitioner : MS.S BHATTACHARJEE

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA**

:: O R D E R ::

11.06.2019

(Manojit Bhuyan, J)

Heard Mr. R.K. Borah, learned counsel for the petitioner as well as Mr. J. Payeng, learned counsel representing respondent nos.2, 3 and 4. None to represent respondent no.1.

Petitioner assails order/opinion dated 31.10.2016 passed by the Foreigners' Tribunal Court No.10th at Sankardev Nagar, Hojai, Assam in FT(D) Case No.379/2015, declaring her to be a foreigner, having illegally entered into the territory of India (Assam) after 25.03.1971 without any valid document.

In support of the case that she is not a foreigner within the meaning of section 2(i) (a) of the *Foreigners Act, 1946*, the petitioner produced and exhibited the following documents :

Exhibit-1 : Sale Deed No.4250/1956 (cover page),

Office of Sub-Registrar, Nadia, West Bengal.

Exhibit-2 : Certificate of one Tapas Kr. Das, owner of FPS No.5, Lalpur,

Chakdaha Nadia.

Exhibit-3 : EPIC of the petitioner .

Exhibit-4 : Certificate of Government Gaonburah, Niz Doboka.

Exhibit-5 : PAN Card of the petitioner.

Exhibit-6 : Aadhaar Card of the petitioner.

Exhibit-7 : Affidavit of Dilip Das, brother of the petitioner.

Exhibit-8 : Voter List of 1989 showing the name of the petitioner with spouse.

Exhibit-9 : Voter List of 1997 showing the name of the petitioner with spouse.

Exhibit-10 : Voter List of 2010 showing the name of the petitioner with
her son.

Exhibit-11 : Voter List of 2015 showing the name of the petitioner with
her son.

In reaching the above view, we have carefully perused the records received in original. We are satisfied that the order/opinion of the Tribunal was rendered upon due appreciation of the entire facts, evidence and documents brought on record. We find no infirmity in the findings and opinion of the Tribunal. We would observe that the certiorari jurisdiction of the writ court being supervisory and not appellate jurisdiction, this Court would refrain from reviewing the findings of facts reached by the Tribunal. The petitioner failed to make out any case demonstrating any errors apparent on the face of the record to warrant interference of the impugned opinion.

We, therefore, find no merit in the writ petition. Accordingly, the same stands dismissed, however, without any order as to cost.

The directions of the Tribunal made to the authorities concerned shall now be complied with.

Office to send back the case records to the Tribunal forthwith.

JUDGE

JUDGE

Comparing Assistant