

GAHC010210222025



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

Case No. : WP(C)/5612/2025

FAZRUL HOQUE
S/O LT DEWAN SHEIKH RO BELGURI PARI II PO BELGURI PS AGOMONI
DIST DHUBRI ASSAM 7873334

VERSUS

UNION OF INDIA AND ORS
REPRESENTED BY MINISRTY OF HOME AFFIAIRS NEW DELHI 1

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

3:DISTRICT COMMISSIONER
DHUBRI
DIST DHUBRI ASSAM

4:SUPERINTENDENT OF POLICE BORDER DHUBRI
ASSAM

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI

6:THE ELECTION OFFICER DHUBRI
ASSAM

7:THE STATE COORDINATOR NATIONAL REGISTER OF CITIZEN NRC
BANGAGARH GUWAHATI

Advocate for the petitioner(s): Mr. DP Chaliha, Senior Advocate
Ms. M Roy

Advocate for the respondent(s): Mr. J Payeng, Standing Counsel, NRC
Mr. H Gupta, CGC

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

22.09.2025

Heard Mr. DP Chaliha, the learned Senior Counsel, assisted by Ms. M Roy, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 25.09.2025.
3. Mr. H Gupta, the learned CGC appears and accepts notice on behalf of the respondent No.1; Mr. J Payeng, the learned counsel appears and accepts notice on behalf of the respondent Nos.2, 4 and 7. Extra copies of the writ petition be served upon them during the course of the day.
4. None appears on behalf of respondent Nos.3, 5 and 6, when the matter is called upon.
5. The learned counsel appearing on behalf of the petitioner is directed to serve extra copies of the writ petition upon Mr. AI Ali, the learned Standing Counsel, Election Commission of India during the course of the day.
6. The case of the petitioner herein is that the petitioner's father namely Md. Dewan Sheikh name appeared in the NRC of 1951 at Sl.No.3 under village

Belguri, Police Station: Golakganj, Mouza/Circle No.7, Sub-Division Dhubri. The petitioner's father name also appeared in the voters list of 1971 vide Sl.No.420 under 35 No. Golakganj Legislative Constituency, Sub-Division Dhubri, Police Station: Golakganj. In the voters list of 2005, the petitioner's name also appeared at Sl. No.327 along with his father, mother and brothers. The name of the petitioner thereupon continued to feature in the voters list of 2007 and 2010. However, in the voters list of 2013, the name of the petitioner was shown as 'D' voter.

7. The petitioner thereafter approached the Superintendent of Police(Border) as to why the petitioner's name has been inserted as 'D' voter. The Superintendent of Police (Border) Dhubri informed the Election Officer, Dhubri that upon perusal of the record, it was found that there was no reference of Foreigners Tribunal, pending against the petitioner or any 'D' voter case is pending against him.

8. In spite of that, the petitioner continues to suffer and is being deprived of his statutory rights to vote as provided under the *Representation of People Act, 1950*. It is under such circumstances, the petitioner has approached this Court by way of filing the instant writ petition.

9. The respondents, more particularly, the District Election Officer, Dhubri as well as the Chief Electoral Officer, Assam are directed to apprise this Court on the next date fixed as to why the petitioner's name continues to remain as 'D' voter and if so produce the materials on the basis of which the petitioner's name has been marked as 'D' voter.

10. List again on 25.09.2025.

JUDGE

Comparing Assistant