

GAHC010256342019



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

Case No. : Review.Pet./178/2019

FULBAR ALI
S/O- LATE JABBAR ALI, R/O- VILL.- NARABHITA PT-I, P.S. MERERCHAR
(EARLIER ABHAYAPURI), DIST.- BONGAIGAON, ASSAM, PIN- 783384.

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI- 110001.

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

3:THE DEPUTY COMMISSIONER
BONGAIGAON
DIST.- BONGAIGAON
PIN- 783380.

4:THE SUPERINTENDENT OF POLICE (B)
BONGAIGAON
ASSAM
PIN- 783380.

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI- 110001.

6:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS (NRC)
BANGAGARH
GHY- 781032

Advocate for the Petitioner : MR H R A CHOUDHURY

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

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

14.06.2022

(A.M. Bujor Barua, J)

As required by the earlier order of 24.05.2022, the Election Commission has produced the voters' list in respect of village 174 Naravita Part-I.

2. The voters' list of 1966 contains the name of Khadem Ali Seikh, S/O Mafizuddin at Sl. No. 83. The voters' list of 1970 of the said village at Sl. No. 83, contains the name of Khadem Ali, S/O. Mafizuddin. The voters' list of 1985 contains the name of Jabbar Ali, S/O Khadem Ali. The voters' list of 1997 at Sl. No. 531 contains the name of Nurul Islam, S/O Khadem Ali, at Sl. No. 534, Jabbar Ali, S/O Khadem Ali and at Sl. No. 536, Fulbar Ali, the petitioner, S/O Jabbar Ali.

3. By referring to the said voters' list, it is the submission of the learned counsel for the petitioner that a linkage of the present petitioner with Jabbar Ali as his father and Khadem Ali as his grandfather is established.

4. Mr. J Payeng, learned counsel for the Home Department of Government of Assam has raised a technical objection that this is a review petition in a writ petition which was under certiorari jurisdiction. According to the learned counsel, certiorari jurisdiction is to be exercised only based upon the existing material on record and the Court cannot go beyond the material. Accordingly, it is the submission that even if the said voter's list may establish a linkage, the Court cannot go into such material even to arrive any prima facie satisfaction as because certiorari jurisdiction expressly bars the Court from looking into any material other than the material available on record. It is submission that as this is a review petition and

therefore, the jurisdiction of the Court would be further restricted.

5. Mr. J Payeng, learned counsel for the Home Department prays for an adjournment to further submit on the aforesaid proposition.

6. Voters' list produced and referred above are kept on record.

List again.

JUDGE

JUDGE

Comparing Assistant