

GAHC010272132022



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

Case No. : WP(C)/193/2023

SHAIJUDDIN @ SAIJUDDIN SHEIKH
S/O LATE NOWAL SHEIKH, R/O VILL-GANBINYA, P.S.-ABHAYAPURI, DIST-
BONGAIGAON, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, HOME
DEPARTMENT, NORTH BLOCK, NEW DELHI-110001

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

3:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSION
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-110001

4:THE DEPUTY COMMISSIONER
BONGAIGAON
BORO BAZARA
BOROPARA
MAYAPURI
BONGAIGAON
783380
ASSAM

5:THE SUPERINTENDENT OF POLICE (BORDER)
BONGAIGAON
CHAPAGURI RD.
NEW COLONY
MAHABIRSTAN
BONGAIGAON
783380
ASSAM

6:THE STATE CO-ORDINATOR
NRC
ACHYUT PLAZA
BHANGAGARH
G.S. ROAD
GUWAHATI-781005
ASSA

Advocate for the Petitioner : MR. D BARMAN

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

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 10.01.2023

(N. Kotiswar Singh, J.)

Heard Mr. N.B.P. Singha, learned counsel for the petitioner.

Issue notice, returnable within 4(four) weeks.

Ms. L. Devi, learned counsel, who appears on behalf of Mr. R.K. Dev Choudhury, learned Dy. SGI accepts notice on behalf of respondent No.1 whereas Mr. G. Sharma, learned Standing Counsel, Foreigners Tribunal, accepts notice on behalf of respondent Nos.2 and 4, i.e., Superintendent of Police (B), Bongaigaon. Mr. A.I. Ali, learned Standing Counsel, ECI accepts notice on behalf of respondent No.3; Ms. L. Devi, learned Standing Counsel, NRC, accepts notice on behalf of respondent No.5 and Ms. U. Das, learned Additional Senior Government Advocate, Assam accepts notice on behalf of respondent No.4, i.e., Deputy Commissioner, Bongaigaon.

As the respondents are duly represented, no formal steps need be taken in respect of them. However, the petitioner shall serve extra copies to the learned counsel for the respondents.

Registry to requisition the case records of FT Case No. BNGN/FT-2/APR/104/2017 from the Foreigners Tribunal, Bongaigaon No.2, Abhayapuri.

Since there is a finding by the Tribunal that the petitioner is a foreigner who entered into India in between 1966-1971, he may register himself before the concerned authority. However, this registration will be without any prejudice to the claim of the petitioner that his father had entered India before 1966 and a citizen of this country.

List the matter after receipt of case records.

JUDGE

JUDGE

Comparing Assistant