

GAHC010056162023



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

Case No. : WP(C)/1495/2023

SAKAT ALI @ CHAKKAT ALI
S/O- LATE SUBED ALI,
VILL- KUTHURIJHAR,
P.O- KALPANI BAZAR,
P.S- GOBARDHAN,
DIST- BAKSA, BTR, ASSAM, PIN-781315

VERSUS

THE UNION OF INDIA AND 7 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
CUM DISTRICT MAGISTRATE
BARPETA
ASSAM
PIN-781301

4:THE SUPERINTENDENT OF POLICE (B)
BAKSA
ASSAM
PIN-781316

5:THE SUPERINTENDENT OF POLICE (B)
BARPETA

ASSAM
PIN-781301

6:THE ELECTION COMMISSION
GOVT. OF INDIA
NEW DELHI-110001

7:THE STATE COORDINATOR
NATIONAL REGISTER OF CITIZENS
ASSAM
BHANGAGARH
GUWAHATI-05
DIST- KAMRUP (M)

8:THE FOREIGNERS REGIONAL REGISTRATION OFFICE

BARPETA
PIN-78130

Advocate for the Petitioner : MR. A ROSHID

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

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

JUDGMENT & ORDER (ORAL)

Date : 17-03-2023

(A.M. Bujor Barua, J)

Heard Mr. A. Roshid, learned counsel for the petitioner and Mr. B. Chakraborty, learned counsel for the respondent No. 1, being the Union of India. Also heard Ms. A. Verma, learned counsel for the respondents No. 2, 4, 5 and 8, being the authorities in the Home Department; Ms. U. Das, learned counsel for the respondent No. 3, being the Deputy Commissioner, Barpeta; Mr. A. Ali, learned counsel for the respondent No. 6, being the Election Commission of India and Ms. L. Devi, learned counsel for the respondent No.7, being the State

Co-ordinator of the NRC.

2. The petitioner Sakat Ali @ Chakkat Ali was referred to the Foreigners' Tribunal No. 9, Barpeta for rendering an opinion as to whether he is a person who had entered the State of Assam from the specified territory on or after 25.03.1971 and accordingly F.T.9th (BPT) Case No. 706/2018 was registered. The Tribunal rendered its opinion dated 20.09.2022 arriving at its conclusion that the petitioner is a foreigner who had entered the State of Assam between the period 1966 and 1971. Accordingly the petitioner would now be covered by the provisions of Section 6A(3) of the Citizenship Act, 1955. The petitioner is content with the said finding but is aggrieved to the extent that the time referred for getting registered with Foreigners' Regional Registration Office, Barpeta had elapsed in the meantime.

3. In view of the limited grievance raised, we allow the petitioner to get himself registered as a person who had entered the State of Assam between the period 1966 and 1971 from the specified territory with the Foreigners' Regional Registration Office, Barpeta within a period of one month from today.

4. Upon the petitioner being registered as a person who had entered the State of Assam between the period 1966 and 1971, implication thereof that the petitioner will not be entitled to vote for the next ten years from the date of registration would be made applicable to him. As per Section 6A(3) of the Citizenship Act, 1955, the Election Commission of India shall do the needful to delete the name of the petitioner from any voters' list wherever his name may appear and upon registration the office of the Foreigners' Regional Registration shall do the needful as may be required under the law in respect of the rights and entitlement of the petitioner being declared to be a person who had entered the State of Assam from the specified territory between the period 1966

and 1971. Consequently, the Voter Identity Card issued to the petitioner be taken back by the Foreigners' Regional Registration Office, Barpeta.

5. In the event, the petitioner does not get himself registered within the aforesaid period, the implication of law that he is not a citizen of India would be made applicable in respect of the petitioner. Even in the event of the petitioner not appearing before the Foreigner's Regional Registration Office, Barpeta the direction to the Election Commission of India to do the needful to delete the name of the petitioner from any voters' list wherever his name may appear would remain and be complied with by the Election Commission. The direction issued to the Foreigners' Regional Registration Office, Barpeta to do the needful under the law as well as to take back the Voter Identity Card issued to the petitioner be complied with.

Writ petition stands disposed of as indicated above.

A copy of this judgment and order be provided to Mr. A. Ali, learned counsel for the Election Commission of India and Ms. A. Verma, learned counsel for the Home Department for onward transmission and necessary action.

J U D G E

J U D G E

Comparing Assistant