

GAHC010158962018



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

Case No. : WP(C) 4882/2018

1: BANESWAR BAISHYA @ MAZUMDAR
S/O- LATE CHINTAHARAN BAISHYA @ MAZUMDAR, R/O- VILL-
JALUKBARI, P.O- JALUKBARI, P.S- KHOIRABARI, DIST- UDALGURI,
ASSAM

VERSUS

1: UNION OF INDIA AND 7 ORS
REP. BY THE MIN OF HOME AFFAIRS, GOVT OF INDIA, NEW DELHI, PIN-
110001

2: THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPTT OF HOME
GHY- 06

3: SPECIAL COUNSEL
FOR NRC
ASSAM

4: THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER
GOVT OF INDIA
NEW DELHI- 110001

5: THE STATE ELECTION COMMISSION
REP. BY THE STATE ELECTION COMMISSIONER
GOVT OF ASSAM
GHY- 781006

6:THE DEPUTY COMMISSIONER
DIST- UDALGURI
ASSAM
PIN- 784509

7:THE SUPERINTENDENT OF POLICE(B)
DIST- UDALGURI
ASSAM
PIN- 784509

8:THE OFFICER IN CHARGE
KHOIRABARI P.S
DIST- UDALGURI
ASSAM
PIN- 78450

Advocate for the Petitioner : MR S C DAS

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

BEFORE

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30.08.2018

[A.K. Goswami, J.]

Heard Mr. S.C. Das, learned counsel for the petitioner. Also heard Mr. J. Payeng, learned special standing counsel, Foreigners Tribunal, appearing for respondent Nos.2, 5, 6, 7 and 8; Ms. G. Sarma, learned CGC appearing for respondent No.1; Mr. A.I. Ali, learned standing counsel, Election Commission of India, appearing for respondent No.4 and Mr. G. Taye, learned standing counsel, NRC, appearing for respondent No.3.

On 10.08.2018 the following order was passed:-

“Heard Mr. SC Das, learned counsel for the petitioner.

Mr. J Payeng, learned Special Standing Counsel, Foreigners Tribunal, prays for further two

weeks' time to obtain instructions in terms of the order dated 30.7.2018.

Prayer is allowed.

List the case on 30.8.2018 for motion.”

‘D’ mark was inserted against the name of the petitioner in the voters’ list of 1997 suspecting him to be a doubtful voter.

Mr. A.I. Ali, learned standing counsel, Election Commission of India and Mr. J. Payeng, learned special standing counsel, Foreigners Tribunal, have submitted after obtaining instructions that no reference is pending against the petitioner before the Foreigners Tribunal.

By this writ petition, the petitioner has prayed for a direction to the respondents, either to withdraw or delete the ‘D’ mark against the petitioner and/or to make a reference to the appropriate Foreigners Tribunal for enabling the petitioner to establish that he is a citizen of India.

Mr. Das submits that a direction may be issued to the Superintendent of Police (B), Darrang, to make a reference to the appropriate Foreigners Tribunal.

In view of the above submission, the writ petition is disposed of directing the Superintendent of Police (B), Darrang to make a reference to the appropriate Foreigners Tribunal within a period of 1(one) month from the date of receipt of the certified copy of this order. Thereafter, the learned Tribunal will dispose of the case as expeditiously as possible.

Sd/-
JUDGE

Sd/-
JUDGE

Comparing Assistant