

GAHC010226052019



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

Case No. : WP(C) 6975/2019

1:HARAN GHOSH
S/O- LT NIRMAL GHOSH, R/O- NETAJI NAGAR, P.S. BONGAIGAON, DIST-
BONGAIGAON, ASSAM

VERSUS

1:THE UNION OF INDIA AND 5 ORS.
THROUGH THE MINISTRY OF HOME AFFAIRS, GRIHA MANTRALAYA,
NEW DELHI

2:THE STATE OF ASSAM
THROUGH THE SECY.
TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

3:THE ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN ASOKA ROAD

NEW DELHI- 110001

4:THE STATE CO-ORDINATOR
NATIONAL REGISTRATION OF CITIZEN
ASSAM
BHANGAGARH
GHY

5:THE DY. COMMISSIONER
BONGAIGAON
P.O. BONGAIGAON

DIST- BONGAIGAON
ASSAM

6:THE SUPERINTENDENT OF POLICE (B)
BONGAIGAON
P.O. BONGAIGAON
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. S C BISWAS

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

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.12.2019

(Manojit Bhuyan, J)

Heard Mr. S. C. Biswas, learned counsel for the petitioner as well as Ms. G. Hazarika, learned counsel representing respondent no.1. Also heard Mr. J. Payeng, learned counsel for respondent nos.2, 5 and 6; Ms. B. Das, learned counsel for respondent no.3 and Ms. U. Das, learned counsel for respondent no.4.

Petitioner seeks quashing of the proceedings in Case No. BNGN/FT/2160/2009 (*State of Assam vs. Haran Ghosh*), pending before the Foreigners' Tribunal No.1, Bongaigaon. Ground assigned is that the enquiry officer in his Interrogation Report have clearly mentioned that the petitioner is not an illegal migrant and is an Indian by birth, inasmuch as, the name of the petitioner's father appears in the Voter List of 1966. On this ground alone, petitioner submits that if he is made to face proceedings despite clear report of the enquiry officer, it will cause harassment and prejudice to him.

On the above, we are of the view that the writ petition is premature at this stage, inasmuch as, the objection raised in the present writ petition has to be first addressed by the petitioner by means of written statement and answered to by the Tribunal on the basis of relevant records and evidence that may be supplied by the petitioner. We make it clear that while answering the reference

the Tribunal shall give due regard and consideration to this aspect of the matter.

We would not like to detain this case for adjudication any further. We dispose of the same on the observations above and with direction to the petitioner to file written statement on the next date fixed. Needless to say, the Tribunal shall conclude the proceedings, having regard to the time span envisaged under the *Foreigners' (Tribunals) Order, 1964*.

JUDGE

JUDGE

Comparing Assistant