

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8252/2018

(Arising out of impugned final judgment and order dated 05-04-2017 in WPC No. 6574/2016 passed by the Gauhati High Court)

MUSSTT. SOFIYA KHATUN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.37859/2018-CONDONATION OF DELAY IN FILING and IA No.37860/2018-CONDONATION OF DELAY IN REFILING)

Date : 12-09-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Anas Tanwir, Adv.  
Ms. Pranjali Kishore, Adv.  
Ms. Kamakshi S. Mehrlwal, AOR

For Respondent(s) Mr. Shuvodeep Roy, AOR  
Mr. Somnath Banerjee, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

On 20.08.2018, this Court passed the following order:-

"Learned counsel for Respondent No.2/State is directed to get a specific instruction on the following aspects which are reflected in the additional documents handed over to the learned counsel:-

1. Is it true that five brothers of the

petitioner are citizens of India?

2. Is it true that the husband of the petitioner is a citizen of India?

3. Is it true that father and mother of the petitioner are citizens of India?

The petitioner is directed to file copies of the additional documents in the Registry of this Court, during the course of the day.

List on 05.09.2018."

In response to the queries of the Court, an affidavit has been filed by the Deputy Secretary, General Administration Department, Government of Assam, annexing a report of the inquiry conducted by the Superintendent of Police, Barpeta, Assam. Paragraphs 4 and 5 of the affidavit read as follows:-

"4. That it would be seen from the report that the enquiry has been about the 6 persons, namely, Nurul Haque, Matiur Rahman, Sirajul Haque, Monir Uddin and Osman Gonee, who are projected as the biological brothers of the alleged foreigner/petitioner herein and one Fuljar Husain, who is projected as the husband of the alleged foreigner/petitioner herein. These persons have filed affidavits in the present proceedings.

Additionally, about the projected parents of the alleged foreigner/petitioner herein, namely, Lt. Hasen Ali Munshi and Saburan Bibi, the enquiry was also made

on basis of documents on record.

5. That the answering Respondent wishes to point out herein that the enquiry finds that the said persons are Indian Citizens on basis of their names appearing in 2018/2017 voters list, 1997 voters list, electoral photo-identity cards as well as the 1965 and 1970 voters' lists in which the name of their projected patents, namely, Hasen Munshi and Saburan Bibi are included. Also, the report states about the statements of local villagers being recorded and concluded that the documents produced by them corroborates."

Learned counsel appearing for the respondent/State submits that it is not a full fledged enquiry and the State may be permitted to conduct a full fledged enquiry

We make it clear that it will be open to the State to conduct the full fledged enquiry referring also to the materials now made available.

However, the appellant is directed to be released on bail forthwith on self bond. The appellant shall report to the police station on the last working day of every month, as required by the Superintendent of Police, Barpeta, till the inquiry is completed.

(NARENDRA PRASAD)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR