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BEFORE THE FOREIGNERS' TRIBUNAL, NO. 1 BONGAIGAON, ASSAM

BNGN/FT/2770/07

(REF P.E. CASE NO.68/07)

P R E S E N T

SHRI DULAL SAHA, MEMBER

FOREIGNERS' TRIBUNAL BONGAIGAON NO.1

STATE OF ASSAM

PETITIONER

-VRS-

MD. SUKUR ALI.

S/O- LT. ABDUL JALIL @ LT. ABDUL JALIL SHEIKH.

APPEARANCE

ADVOCATE FOR THE STATE- MR.DEBABRATA DAS

ADVOCATE FOR THE O.P.- T. KR. DAS, T.MEDHI , R. SINGHA AND D.A. RAHIM.

DATE OF EVIDENCE-02/02/23

DATE OF ARGUMENT-02/02/23

DATE OF ORDER -16/02/2023

ORDER

This is a reference made Under Rule 2(1) of the Foreigners (Tribunal) Order 1964, for opinion as to whether Md. Sukur Ali , S/O- Lt. Jalil Sheikh is a foreigner from Bangladesh, who entered into India after 25th March 1971 or not.

Upon receiving the notice, O.P appeared and contested the case by filing written statements, evidence-in-chief in the form of an Affidavit and relying on documents.

The gist of the written statements of the O/P is that, O/P born out of the wedlock of Abdul Jalil @ Abdul Jalil Sheikh and Majiran Nessa around the year 1981 at village Kawadi No. 2 (Sonaikhola), the then Bijni P.S., presently Manikpur P.S., Dist. Bongaigaon. O/P's grandfather's name was Kaiya Sheikh @ Kaia. That, O/P's father's correct and actual name is Abdul Jalil Sheikh but he also known as 'Abdul Jalil'. O/P's father casted vote along with his mother Majiran Nessa for the years 1966 and 1970 respectively under 41 No. Bijni L.A.C. O/P casted his votes along with his mother for the year 2021 & 2022 respectively under 33 No. Bijni L.A.C. That, O/P also absolute owner and possessor of a plot of land measuring 1B, 2K and 10L vide Patta No.66. O/P is an Elector Photo Identity Card and Ration Card holder. Hence O/P claims to be a citizen of India by birth.

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Member
Foreigners Tribunal No. 1
Bongaigaon (Assam)



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(2)

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O/P submitted his evidence in chief in the form of affidavit where he narrated more or less same versions as he stated in his W/S.

From the above, what is discernible is that, O/P is the son of Abdul Jalil Sheikh @ Abdul Jalil & Majiran Nessa who were citizens of India.

O/P exhibited the following documents:-

Ext-A is the certified copy of 1966 voter list in respect of 41 No. Bijni L.A.C. Here Abdul Jalil Sheikh age 34 son of Lt. Kaiya Sheikh and Majiran Nessa age 25 wife of Abdul Jalil have been recorded as voters.

Ext-B is the certified copy of 1970 voter list in respect of 41 No. Bijni L.A.C. Here Abdul Jalil Sheikh age 39 son of Kaia Sheikh and Majiran Nessa age 30 wife of Jalil have been recorded as voters.

Ext-C is the certified copy of 2010 voter list in respect of 33 No. Bijni L.A.C. Here sole name Majiran Bewa age 62 wife of Lt. Abdul Jalil Sheikh has been recorded as a voter.

Ext-D is the Revenue Receipt paid by Sukur Ali.

Ext- E is the Elector Photo Identity Card in the name of Sukur Ali son of Abdul Jalil Sheikh.

Ext-F is the certified copy of 2021 voter list in respect of 33 No. Bijini L.A.C. Here Mojran Bewa age 72 W/O- Abdul Jalil Sheikh and Sukur Ali age 40 son of Abdul Jalil Sheikh have been recorded as voters.

Ext-G is the certified copy of 2015 voter list in respect of 33 No. Bijni L.A.C. Here Majiran Bewa age 66 W/O- Abdul Jalil Sheikh has been recorded as a voter.

Ext-H is the certified copy of 2022 voter list in respect of 33 No. Bijni L.A.C. Here Majiran Bewa age 73 wife of Abdul Jalil Sheikh, Hajera Khatun age 71 wife of Mafead Ali ,Sukur Ali age 41 son of Abdul Jalil Sheikh and three others names have been recorded as voters.

I have perused carefully all exhibited documents in this case. It is found that, **Ext-F** which is the voter list of 2021. Here O/P casted vote with Mojiran Bewa , who is the mother of O/P. This document establishes the linkage of O/P with Mojiran Bewa. On the other hand **Ext-A** (voter list of 1966) establishes that Mojiran Nessa is the wife of Abdul Jalil Sheikh . Here Abdul Jalil Sk and Majiran Nessa casted their votes together. Hence it is proved that O/P is

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the son of Abdul Jalil Sheikh & Mojiran Nessa. This **Ext-A** (voter list of 1966), establishes the existence of Abdul Jalil Sheikh on the Indian Soil since before 1966 & O/P claims that said Abdul Jalil Sheikh was his father. O/P being their son can't be treated foreigner of any stream.

Hence, from the above discussions, it can be easily said that O/P successfully discharged his statutory burden U/S 9 of the Foreigners Act, 1946, the fact that, he is not a foreigner but a citizen of India.

Accordingly, O/P Sukur Ali son of Lt. Abdul Jalil Sheikh @ Lt. Abdul Jalil and Majiran Nessa of Bongaigaon is hereby declared not foreigner.

Inform S.P. (B), Bongaigaon and Deputy Commissioner, Bongaigaon for N/A.

A free copy of this order be furnished to the O.P.

Given under my hand and seal of the Tribunal on 16th day of February, 2023.

Transcribed at my dictation
and corrected by me.

Member,
Foreigners Tribunal No. 1,
Bongaigaon.

Memo No.BFT/08/07-23/38 - A Dated 16/02/2023

Copy to:-

1. The Deputy Commissioner, Bongaigaon.
2. The Superintendent of Police (B), Bongaigaon for N/A.

Member,
Foreigners Tribunal, No. 1,
Bongaigaon.