

Application No.	Application Received on	Date on Which Copy Was Made Ready	Date on Which Delivered
16/2024	11-6-2024	12-6-2024	13-6-2024



BEFORE THE MEMBER, FOREIGNERS' TRIBUNAL, CHIRANG

(ASSAM).

F.T. CASE NO. BNGN/FT/CHR/1236/2010
IM(D)T Case No. 1913/2003

PRESENT

SRI. MANJIT SARMA
MEMBER, FOREIGNERS' TRIBUNAL, CHIRANG.

UNION OF INDIA ... Petitioners
Vs

Musstt. Jomila @ Jamila Khatoon

...Opposite Party/Proceëdee

Appearance

For the State :Mr. N. C Ray, Assistant Govt. Pleader.

For the Proceëdee : Mr. S. Rahman Advocate.

O P I N I O N

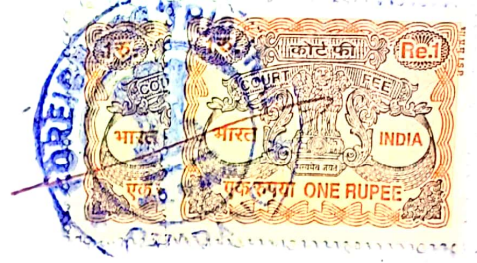
31/05/2024

- Originally, this reference was forwarded by the Superintendent of Police (B), Bongaigaon [In short SP(B)] vide.- IM(D)T Case No. 1913/2003 to the Ld. Chairman, Illegal Migrants (Determination) Tribunal, Goalpara, Assam for determination of nationality of the suspect Musstt. Jomila @ Jamila Khatoon, D/o- Late Amjad Ali, W/o- Md. Alimuddin Seikh of reference case was transferred to the Ld. Foreigners Tribunal Bongaigaon and the Ld. F.T. Bongaigaon registered the case as BNGN/FT/Case No. 1236/2010, and subsequently transferred the case records to this Tribunal. The case record was transmitted to this Tribunal and the Tribunal registered the case as BNGN/FT/CHR/1236/2010.

Contd..2

(Signature)

Member



(2)

2. This Tribunal by order dated 02/03/2023 issued notice to the Proceedee to appear and submit the written statement (W/S in short) in support of her nationality, if any and was fixed on 16/03/2023 for SR/Appr/W.S. Upon receipt of the notice, the Proceedee appeared on 16/03/2023, and subsequently, submitted written statement on 11/09/2023 with some Photostat copies of documents marked as annexures relied upon by her. On 22-02-2024 Proceedee submitted the additional written statement with some Photostat copies of documents marked as annexures relied upon by her. On 18/11/2023, Proceedee submitted the evidence-on-affidavit with some documents marked as exhibits. The Proceedee adduced the evidence of 5 (five) witnesses including of herself as DW-1, one of Sri Habibar Rahman as DW-2, one of Sri Bijit Brahma, Lot Mondal, Office of the Circle Officer, Sidli Revenue Circle, Chirang as DW-3, one of Sri Manindra Basumatary, Chairman, Rowmari, VCDC under Borobazar TD Block, Borobazar as DW-4 and another of Sri Indra Muchahary, S.I. FPD & CA, Bijni, O/O- Asstt. Director Food Civil Supplies and Consumer Affairs, Bijni, Chirang as DW-5.
3. The Proceedee has submitted the written statement contending inter-alia that proceedee is a citizen of India by birth and born out of the wedlock of Amjad Ali and Rojina Bewa in the year 1966 in the village – Dologaoon, P.S.- Bongaigaon, Dist- Goalpara, Assam and that she was brought up and is living in the same village and she got married in the same village. The proceedee has stated that her father's name is Amjad Ali and her mother's name is Rojina Bewa. The proceedee has stated that her grandfather's name is Abdul and her grandmother's name is Saharan Khatun. The proceedee has stated that her grandfather and grandmother expired many years ago. The proceedee stated that her father expired in 1980 and her mother expired in 2000. The proceedee has stated that her grandfather was blessed with one Son namely Amjad Ali. The proceedee has stated that they are four brothers and sisters namely Mayuri Khatun, Jamila Khatun (proceedee herself), Habibur Rahman and Sabiya Khatun. The proceedee has stated that she is a regular voter. The proceedee has stated that she got married to Alimaddin Sheikh S/o- Karam Ali of village- Dologaoon, P.S.- Bijni in the district of Chirang in 1982. The proceedee has stated that she is blessed with five sons and daughter namely Moinuddin Ali, Ainuddin Ali, Abdul Latif, Amena Khatun and Sukur Ali. The proceedee has stated that her father's name has appeared in the voter list of 1971 under 32 No. Bongaigaon L.A.C. The proceedee has stated that the name of her mother, brother and sister-in-law have appeared in the voter list of 1997 under 32 No. Bongaigaon L.A.C. The proceedee has stated that her name alongwith the name of her husband have appeared in the voter list of 1993 under No. 32 Bongaigaon LAC. The proceedee has stated that her name alongwith the name of her husband have appeared in the voter list of 1997, 2005 and 2010 respectively under 32 No. Bongaigaon L.A.C.

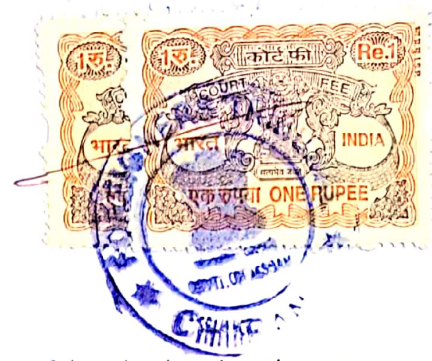
Contd..3


Member
Foreigners Tribunal, Chirang





(3)



The proceedee has stated her name alongwith the name of her husband and sons appeared in the voter list of 2016 under 32 No. Bongaigaon L.A.C. The proceedee has stated that her name along with the name of her sons appeared in the voter list of 2020 and 2022 respectively under No. 32 Bongaigaon L.A.C. The proceedee has stated that she obtained a voter Identity Card bearing No. CBJ0001757, issued by the Election Commission of India and a PAN Card bearing No. IWKPK3688C, issued by the Income Tax Department of India. The proceedee has stated that she has submitted a Ration Card issued by the FCS & CA. In her additional written statement proceedee has stated that her grandfather's actual name is Abdul who is also known as Abdul Sheikh. The proceedee has stated that her grandfather's name has been written in some documents including in the Land Records/documents as Abdul Sheikh. Proceedee has pleaded that Abdul Seikh and Abdul is the one and the same person. The proceedee has stated that her father's actual and correct name is Amjad Ali S/o- Abdul and her father was also known as Amjad Sheikh. The proceedee has stated that due to clerical mistake/typographical mistake her father's name has been written in the Land Records/documents as Ansad Sheikh S/o- Abdul Sheikh since the villagers called her father by the name Ansad Seikh. The proceedee has stated that Amjad Sheikh and Ansad Sheikh is the one and the same person i.e. the father of the proceedee. The proceedee has stated that his father was the absolute owner and processor of a plot land measuring 02B-04K-01L covered by Dag No. 111, A.P. No. 17 of village- Dologaoon, under Sidli Revenue Circle in the district of Chirang. The proceedee has stated that the said plot of land got mutated in the name of his brother namely Habibar Rahman as per the right of inheritance vide order of the circle officer dated 16/05/2020 in connection with mutation case no.66/201920/CONV-BL. and the Patta No.17 has been changed into 128. The proceedee has stated that she has submitted a Linkage Certificate issued by Chairman Rowmari VCDC. The proceedee has stated that her grandparents and parents were the citizens of India. Hence, Proceedee has prayed to dismiss the instant case against her and to declare her as a citizen of India in the interest of justice.

4. Now the point for determination is as to whether the Proceedee is a citizen of India Or a foreigner within the meaning of the expression "Foreigner" as defined in the Foreigners Act, 1946.
5. As per provision of Section 9 of the Foreigners' Act, 1946, the onus of proving that she is a Citizen of India and not a foreigner lies upon her. Now, let us find as to how far she could discharge her burden to prove that she is not a foreigner.
6. I have gone through the evidence as well as the documents very carefully. In her

Contd..4


Member



(4)



evidence- on-affidavit the Proceedee reiterated the statements as stated in his written statement.

7. I have heard the argument advanced by the Ld. Counsels of both sides.

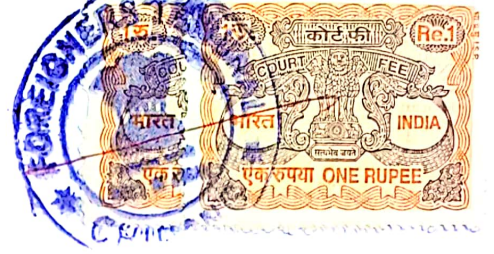
8. In order to substantiate her claim the proceedee has produced and exhibited the following documents :

- (i) **Exhibit A:** A certified copy of the voter list of 1971 pertaining to village – Dologoon under No. 32 Bongaigaon LAC, incorporating the name of Amjat Ali S/o- Abdul aged about 51 years.
- (ii) **Exhibit B:** A certified copy of the voter list of 1993 pertaining to village – Dologoon under No. 32 Bongaigaon LAC, incorporating the name of Jamila Khatun W/o- Alimuddin Seikh aged about 33 years.
- (iii) **Exhibit C:** A certified copy of the voter list of 1997 pertaining to village – Dologoon under No. 32 Bongaigaon LAC, incorporating the names of Ali Muddin Sheikh S/o- Late Karam Ali aged about 79 years and Jamila Khatun W/o- Ali Muddin Sheikh aged about 36 years.
- (iv) **Exhibit D:** A certified copy of the voter list of 2005 pertaining to village – Odalguri Part- II under No. 32 Bongaigaon LAC, incorporating the names of Ali Moddin Sheikh S/o- Late Karam Ali aged about 80 years and Jamila Khatun W/o- Ali Moddin Sheikh aged about 41 years.
- (v) **Exhibit E:** A certified copy of the voter list of 2010 pertaining to village – Odalguri Part- II under No. 32 Bongaigaon LAC, incorporating the names of Ali Moddin Sheikh S/o- Karam Ali aged about 85 years and Jamila Khatun W/o- Ali Moddin Sheikh aged about 46 years.
- (vi) **Exhibit F:** A certified copy of the voter list of 2016 pertaining to village – Odalguri Part- II under No. 32 Bongaigaon LAC, incorporating the names of Ali Moddin Sheikh S/o- Karam Ali aged about 90 years, Jamila Khatun W/o- Ali Moddin Sheikh aged about 51 years, Abdul Latif S/o- Ali Moddin Sheikh aged about 29 years and Sukur Ali S/o- Ali Moddin Sheikh aged about 19 years.

Contd..5

Member
Foreigners Tribunal, Chirang





(5)

(vii) Exhibit G:

A digital certified copy of the Electoral Roll of 2020 pertaining to Village- Dologaon under No. 32 Bongaigaon Legislative Assembly Constituency incorporating the names of Jamila Khatun W/o- Ali Maddin Sheikh aged about 54 years, Abdul Latif S/o- Ali Maddin Sheikh aged about 32 years and Sukur Ali S/o Ali Maddin Sheikh aged about 24 years.

(viii) Exhibit H:

A digital certified copy of the Electoral Roll of 2022 pertaining to Village- Dologaon under No. 32 Bongaigaon Legislative Assembly Constituency incorporating the names of Jamila Khatun W/o- Ali Maddin Sheikh aged about 56 years, Abdul Latif S/o- Ali Maddin Sheikh aged about 34 years, Sukur Ali S/o Ali Maddin Sheikh aged about 26 years and Sahina Khatun W/o- Sukur Ali aged about 19 years.

(ix) Exhibit I:

An original copy of the Elector Photo Identity Card bearing issued by the Election Commission of India showing the name of Jamila Khatun, Relation Name- Ali Maddin Sheikh.

(x) Exhibit J:

An original copy of the Pan Card bearing No. issued by the Income Tax Department, Govt. of India incorporating the name of Jamila Khatun D/o- Amjad Ali, Date of Birth mentioned as 04/12/1964.

(xi) Exhibit K:

An original copy of the Ration Card bearing issued by the Inspector Food Civil Supplies & CA, Bijni, B.T.C. O/O the Asstt. Director, Food and Civil Supplies & Consumer Affairs, Bijni, B.T.C. incorporating the names of Smti. Jamila Khatun W/o- Alimaddin Sheikh, Alimaddin Sheikh, Abdul Latif, Sukur Ali, Jinara Khatun, Najmina Khatun and Manija Khatun.

(xii) Exhibit L:

An original copy of the certificate dated 02/02/2024 issued by the Circle Officer, Sidli Revenue Circle, Sidli certifying that the plot of land measuring 2B-04K-01L covered by Dag No. 111, A.P. No. 17 of Village- Dologaon under Sidli Revenue Circle in the district of Chirang was recorded in the name of Sri Anchad Sheikh, S/o- Abdul Sheikh since 1962-63 as per office chitha record.

Contd..6

Member
Foreigners Tribunal, Chirang





(6)



(xiii) Exhibit M:

A computer generated copy of the Jamabandi for Surveyed Villages issued in respect of an application No. RTPS/ROR/2024/328320 dated 22/02/2024 pertaining to District- Chirang, Sub- Division- Kajalgaon, Circle- Sidli, Mouza- Bijni (Sidli) Lot No.- 2, Village/Town- Dolgaon, Patta Type- Kheraj Myadi. incorporating the names of 1. Sri Anchad Seikh S/o- Abdul (Struck off), 2. Habibar Rahman S/o- Anchad Seikh (struck off), 3. Md. Kurman Ali S/o- Kalu Ali, 4. Musstt. Hasina Khatun W/o- Sahjahan Ali and 5. Musstt. Sarbhanu D/o- Hussain Ali.

(xiv) Exhibit N:

A digital copy of the Death Certificate dated 26/05/2023 issued by the Registrar, Births & Deaths, O/O- the Joint Director of Health Services, Chirang bearing registration No. D-2023: 18-01529-000280 in the name of Amjad Ali S/o- Abdul of Khagrabari, Dologoon, Chirang, Assam.

(xv) Exhibit O:

A certified copy of the voter list of 1997 pertaining to Village – Dologoon under No. 32 Bongaigaon LAC, incorporating the names of Habibar Rahman S/o- Late Amjad Ali aged about 35 years, Jahada Khatun W/o- Habibar Rahman aged about 27 years and Rojina Bewa W/o- Late Amjad Ali aged about 80 years.

(xvi) Exhibit P

An original copy of the certificate dated 05/04/2023 issued by the Chairman, Rowmari V.C.D.C. incorporating the names of Smti. Jamila Khatun D/o- Late Amjad Ali inhabitant of village- Dologoon, P.O- Khagrabari, P.S- Kajalgaon, Dist- Chirang, BTAD, (Assam).

During cross examination proceedee stated- “My name is Jamila Khatun. I am 57 years old. I have been residing at Dologoon since my birth. The name of my father is Late Amjad Ali @ Ansad Sheikh who died about 43 years ago at Dologoon. The name of my mother is Late Rojina Bewa who died about 24 years ago at Dologoon. The name of my grandfather is Late Abdul who died before my birth at Dologoon. I can not remember the name of my grandmother. I do not know as to whether my grandfather had or had not any brother or sister. My father did not have any brother or sister. We are four brothers and sisters namely Mayuri Khatun, Jamila Khatun (myself), Habibur Rahman and Sabiya Khatun. I got married to Alimuddin Sheikh in 1982. I am an illiterate person. I have four sons and one daughter namely Mainuddin Sheikh aged about 38 years, Ainuddin Sheikh aged about 35 years, Abdul Latif aged about 30 years, Aimona

Contd..7

Member
Foreigners Tribunal, Chirang





(7)

Khatun aged about 28 years and Sukur Ali aged about 26 years. I have been casting vote after my marriage at Dologaoon and I cannot remember my age at that time, I have submitted some voter lists incorporating the name of my father. My father had a plot of land measuring approx. 3 bighas situated at Dologaoon. My father purchased the said plot of land. It is not a fact that I have deposed falsely. It is not a fact that I have submitted false and fabricated documents."

During cross examination D.W. - 2 stated- "My name is Habibar Rahman. I am 55 years old. I have come here to depose for my sister namely Jamila Khatun who is the proceedee in the present reference case. Jamila Khatun is one year elder than me. The name of my father is Late Amjad Ali who died about 42 year ago at Dologaoon. I have been residing at Dologaoon since my birth. Jamila Khatun was born at Dologaoon. At the time of death of my father I was about 13 years old and Jamila Khatun was about 14 years old. The name of my mothers is Rojina Bewa who died about 24 years ago at Dologaoon. The name of my grandfather is Late Abdul Ali whom I have not seen. I can not remember the name of my grandmother. My father and grandfather did not have any brother or sister. We are four brothers and sisters namely Mayuri Bewa, Jamila Khatun (Proceedee), Habibur Rahman (myself) and Sofia Khatun. Jomila Khatun got married to Alimuddin. Jamila Khatun has four sons and one daughter namely Moinuddin, Ainuddin, Lotif Ali, Sukur Ali and Aimona Khatun. My father namely Amjad Ali had a plot of land measuring 3 bighas at Dologaoon. I have been casting vote at Rowmari. Jamila Khatun has been casting vote since her marriage. Jamila Khatun is an illiterate person. It is not a fact that I have deposed falsely. It is not a fact that I have submitted false and fabricated documents."

Proceedee examined one Bijit Brahma, Lot Mondal, Office of the Circle Officer, Sidli Revenue Circle, Chirang as D.W- 3. In his examination-in- chief D.W- 3 has stated- "I have appeared today before this Hon'ble Tribunal after receipt of notice from this Hon'ble Tribunal as a witness of the proceedee to prove the Exhibit- L and M i.e. the certificate dated. 02/02/2024 issued by the Circle Officer, Sidli Revenue Circle and digital certified copy of Jamabandi for surveyed village dated. 22/02/2024. I have appeared today after duly authorised by the Circle Officer, Sidli Revenue Circle, vide letter No. SLA.15/NRC/Link/2015/237 dated Sidli, the 13th March' 2024 alongwith relevant records viz. Chitha of Village- Dologaoon under Mouza- Bijni, Revenue Circle- Bijni, Lot No.- 2, District- Goalpara for the year 1977-78 and Jamabandi for surveyed villages of Village- Dologaoon, Lot No- 2, Mouza- Bijni. As per record Anchad Sheikh S/o- Abdul Sheikh was the original Pattadar who got settlement of the plot of land measuring 2 bighas 4 kathas 1 lecha covered by Dag No. 111 in 1962-63. Thereafter the said plot of land was

Contd..8


Member
Foreigners Tribunal, Chirang

Foreigners Tribunal, Chirang

Foreigners Tribunal
Chirang





(8)



converted into Miyadi Patta land vide order of the Circle Officer dated. 16/05/2020 in CON. Case No. 66/2019-20. As per record Habibor Rahman got mutated the said plot of land measuring 2 bighas 4 kathas 1 lecha covered by Dag No. 111 as a legal heir of Anchad Sheikh vide order of the Circle Officer dated. 12/02/2020. The contention of Exhibit- L and M do tally with the records brought to this Tribunal. Exhibit- L and M are genuine and authentic." During cross examination DW-3 stated- "I have not brought settlement survey register of 1962-63. It is a fact that Exhibit- L has issued by our office."

Proceedee examined one Manindra Basumatary, Chairman, Rowmari VCDC under Borobazar TD Block, Borobazar as D.W- 4. In his examination-in- chief D.W- 4 stated- "I have appeared today after receipt of notice as a witness of the proceedee from this Hon'ble Tribunal for proving the Exhibit- P i.e. the certificate dated 05/04/2023 issued by me as a Chairman, Rowmari VCDC in the name of Smt. Jomila Khatun D/o- Late Amjad Ali inhabitant of village- Dologaoon, P.O.- Khagrabari, P.S.- Kajalgaon in the district of Chirang. BTR, Assam. Exhibit- P (i) is my signature. Issue Register is maintained by my office. I know Jamila Khatun and her family since I appointed as the Chairman of Rowmari VCDC." During cross examination DW-4 stated- "The aforesaid certificate was issued by me on the basis of the Voter Id of Jamila Khatun produced before me. I have been working as the Chairman, Rowmari VCDC since February 2021."

Proceedee examined one Indra Muchahary, S.I. FPD & CA, Bijni O/O- the Asstt. Director, Food Civil Supplies and Consumer Affairs, Bijni, Chirang as D.W- 5. In his examination-in- chief D.W- 5 has stated- "My name is Indra Muchahary. I have been working as the S.I. FPD & CA, Bijni in the Office of the Asstt. Director, Food Civil Supplies and Consumer Affairs, Bijni, Chirang since 2016. I have appeared today after receipt of notice of this Tribunal as a witness of the proceedee for proving the Exhibit- K i.e. the Ration Card (Type- AAY) bearing No.181005280671 issued by our office in the name of Smti. Jamila Khatun W/o- Alimoddin Sheikh of Village- Dologaoon, House No.- 36, Sub-Division- Bijni, Dist- Chirang. I have appeared today after duly authorised by the I/C Asstt. Director, Office of the Asstt. Director Food Civil Supplies & Consumer Affairs, Bijni, Chirang. Exhibit- K (i) is the signature of Sri Bipul Chandra Ojha, Retired. Inspector, Food Civil Supplies & CA, Bijni, BTC which I know. Exhibit- K is genuine and authentic. The Ld. Asstt. Govt. Pleader declined to cross examine the D.W. - 5.

9. On perusal of the W/S and the affidavit filed by the Proceedee as well as the documents relied upon by the her it appears that Exhibit- A is the certified copy of the voter list of 1971 pertaining to village – Dologaoon under No. 32 Bongaigaon LAC, in which the name of Amjat Ali S/o- Abdul aged about 51 years has appeared and the Proceedee has

Contd..9

Member

Foreigners Tribunal Chirang





(9)

projected said Amjad Ali and Abdul as her father and grandfather respectively. **Exhibit- B** is the certified copy of the voter list of 1993 pertaining to village – Dologaoon under No. 32 Bongaigaon LAC, in which the name of Jamila Khatun W/o- Alimuddin Sheikh aged about 33 years has appeared and the Proceedee has claimed said Jamila Khatun to be of herself and the Proceedee has claimed Alimuddin Sheikh as her husband. **Exhibit- C** is the certified copy of the voter list of 1997 pertaining to village – Dologaoon under No. 32 Bongaigaon LAC, in which the names of Ali Muddin Sheikh S/o- Late Karam Ali aged about 79 years and Jamila Khatun W/o- Ali Muddin Sheikh aged about 36 years have appeared. In **Exhibit- D** i.e., the certified copy of the voter list of 2005 pertaining to village – Odalguri Part- II under No. 32 Bongaigaon LAC the names of Ali Moddin Sheikh S/o- Late Karam Ali aged about 80 years and Jamila Khatun W/o- Ali Moddin Sheikh aged about 41 years have appeared. The names of Ali Moddin Sheikh S/o- Karam Ali aged about 85 years and Jamila Khatun W/o- Ali Moddin Sheikh aged about 46 years have appeared also in the voter list of 2010 pertaining to village – Odalguri Part- II under No. 32 Bongaigaon LAC which has been marked as **Exhibit- E**. In **Exhibit- F** i.e., the certified copy of the voter list of 2016 pertaining to village – Odalguri Part- II under No. 32 Bongaigaon LAC the names of Ali Moddin Sheikh S/o- Karam Ali aged about 90 years, Jamila Khatun W/o- Ali Moddin Sheikh aged about 51 years, Abdul Latif S/o- Ali Moddin Sheikh aged about 29 years and Sukur Ali S/o- Ali Moddin Sheikh aged about 19 years have appeared and the Proceedee has claimed said Abdul Latif and Sukur Ali as her sons. The names of Jamila Khatun W/o- Ali Maddin Sheikh aged about 54 years, Abdul Latif S/o- Ali Maddin Sheikh aged about 32 years and Sukur Ali S/o- Ali Maddin Sheikh aged about 24 years have also appeared in the **Exhibit- G** i.e., the digital certified copy of the Electoral Roll of 2020 pertaining to Village- Dologaoon under No. 32 Bongaigaon Legislative Assembly Constituency. In **Exhibit- H** i.e., the digital certified copy of the Electoral Roll of 2022 pertaining to Village- Dologaoon under No. 32 Bongaigaon Legislative Assembly Constituency the names of Jamila Khatun W/o- Ali Maddin Sheikh aged about 56 years, Abdul Latif S/o- Ali Maddin Sheikh aged about 34 years, Sukur Ali S/o- Ali Maddin Sheikh aged about 26 years and Sahina Khatun W/o- Sukur Ali aged about 19 years have appeared. **Exhibit- I** is the original copy of the Elector Photo Identity Card bearing No.CBJ0001757 issued by the Election Commission of India showing Jamila Khatun, Relation Name- Ali Maddin Sheikh as the electorate of No. 32 Bongaigaon (GEN) LAC. **Exhibit- J** is the original copy of the Pan Card bearing No. IWKPK3688C issued by the Income Tax Department, Govt. of India in which the name of Jamila Khatun D/o- Amjad Ali has appeared and Date of Birth of said Jamila Khatun has been mentioned as 04/12/1964. **Exhibit- K** is the original copy of the Ration Card bearing No.181005280671 issued by the Inspector Food Civil Supplies & CA, Bijni, B.T.C. O/O the Asstt. Director, Food and Civil Supplies & Consumer Affairs, Bijni, B.T.C. in which

Contd..10

9

Member
Tribunal Chirang





(10)

the names of Smti. Jamila Khatun W/o- Alimaddin Sheikh, Alimaddin Sheikh, Abdul Latif, Sukur Ali, Jinara Khatun, Najmina Khatun and Manija Khatun have appeared. DW- 5 has proved Exhibit- K. **Exhibit- L** is the original copy of the certificate dated 02/02/2024 issued by the Circle Officer, Sidli Revenue Circle, Sidli which certified that the plot of land measuring 2B-04K-01L covered by Dag No. 111, A.P. No. 17 of Village- Dologaoon under Sidli Revenue Circle in the district of Chirang was recorded in the name of Sri Anchad Sheikh, S/o- Abdul Sheikh since 1962-63 as per office chitha record. Proceedee examined one Bijit Brahma Mondal, Office of the Circle Officer, Sidli Revenue Circle, Chirang as D.W- 3 to prove the Exhibit- L. In examination-in-chief DW- 3 stated that as per record Anchad Sheikh S/o- Abdul Sheikh was the original Pattadar who got settlement of the plot of land measuring 2 bighas 4 kathas 1 lecha covered by Dag No. 111 in 1962-63. Thereafter the said plot of land was converted into Miyadi Patta land vide order of the Circle Officer dated. 16/05/2020 in CON. Case No. 66/2019-20. The DW- 3 further stated that Habibor Rahman got mutated the said plot of land measuring 2 bighas 4 kathas 1 lecha covered by Dag No. 111 as a legal heir of Anchad Sheikh vide order of the Circle Officer dated. 12/02/2020. The DW-3 stated that Exhibit- L is genuine and authentic. The statement of DW-3 is found to have corroborated the evidence of DW-1 and DW-2. Proceedee examined one Habibar Rahman claiming to be her brother as DW-2. In the written statement as well as the evidence-on-affidavit the Proceedee stated that the actual and correct name of her father is Amjad Ali who was also known as Ansad Sheikh. The Proceedee pleaded that in the land records/documents the name of her father has been written as Anchad Seikh S/o- Abdul Seikh since the villagers called her father by the name of Anchad Seikh. Proceedee pleaded that Amjad Ali and Anchad Seikh is the one and the same person i.e., her father and the statement of the Proceedee has been corroborated by the evidence of DW-2. **Exhibit- M** is the computer generated copy of the Jamabandi for Surveyed Villages issued in respect of an application No. RTPS/ROR/2024/328320 dated 22/02/2024 pertaining to District- Chirang, Sub- Division- Kajalgaon, Circle- Sidli, Mouza- Bijni (Sidli) Lot No.- 2, Village/Town- Dolgaon, Patta Type- Kheraj Myadi in which the names of 1. Sri Anchad Seikh S/o- Abdul (Struck off), 2. Habibar Rahman S/o- Anchad Seikh (struck off), 3. Md. Kurman Ali S/o- Kalu Ali, 4. Musstt. Hasina Khatun W/o- Sahjahan Ali and 5. Musstt. Sarbhanu D/o- Hussain Ali have appeared. On perusal of the **Exhibit- M** it appears that by order of the Circle Officer dated 12/05/2021 in Mutation Case No. 2370/FMUT-BL the plot of land measuring 2B 4Ks 1Ls covered by Dag No. 111 got mutated in the name of Md. Kurman Ali S/o- Kalu Ali, Musstt. Sarbhanu D/o- Hussain Ali and Musstt. Hasina Khatun W/o- Sahjahan Ali by virtue of sale deed and for this reason the name of Habibar Rahman was struck off in the Jamabandi. DW-3 has proved Exhibit- M. **Exhibit- N** is the digital copy of the Death Certificate dated 26/05/2023 issued by the Registrar,

Contd..11


Member





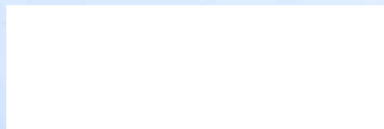
(11)

Births & Deaths, O/O- the Joint Director of Health Services, Chirang bearing registration No. D-2023: 18-01529-000280 in which the name of Amjad Ali S/o- Abdul of Khagrabari, Dologaoon, Chirang, Assam has appeared. **Exhibit- O** is the certified copy of the voter list of 1997 pertaining to Village – Dologaoon under No. 32 Bongaigaon LAC, in which the names of Habibar Rahman S/o- Late Amjad Ali aged about 35 years, Jahada Khatun W/o- Habibar Rahman aged about 27 years and Rojina Bewa W/o- Late Amjad Ali aged about 80 years have appeared. **Exhibit- P** is the original copy of the certificate dated 05/04/2023 issued by the Chairman, Rowmari V.C.D.C. in which the names of Smti. Jamila Khatun D/o- Late Amjad Ali inhabitant of village- Dologaoon, P.O- Khagrabari, P.S- Kajalgaon, Dist- Chirang, BTAD, (Assam) have appeared. DW-4 has proved Exhibit- P. The evidence of DW-1, DW-2, DW-3, DW-4 and DW-5 has summed up together with the material documents and exhibits produced in the reference and it can be opined reasonably that Proceedee is the daughter of Late Amjad Ali @ Anchad Seikh and the granddaughter of Abdul @ Abdul Seikh and the lineal ancestors of the Proceedee existed in Indian soil prior to 01-01-1966.

10. The evidence adduced at the instance of the Proceedee with above mentioned documents relied upon by her appears to be trustworthy and there is nothing on record to disbelieve the Proceedee. I found sufficient proof on record to come to a definite conclusion that the Proceedee is a citizen of India by birth.
11. After careful scrutiny of the entire material on record and discussions made above I am of the considered view that the Proceedee namely Musst. Jomila @ Jamila Khaton, D/o- Late Amjad Ali @ Anchad Seikh, W/o- Md. Alimuddin Seikh of Village- Dalgaon, P.S.- Kajalgaon, Dist. Chirang, BTAD, Assam is not a foreigner/illegal migrant of any stream. Hence the reference case is answered in negative and in favour of the Proceedee. Intimate the Superintendent of Police (B) Chirang accordingly. Also inform to the District Commissioner of the District Chirang, Assam for necessary action. The reference case is thus disposed of.

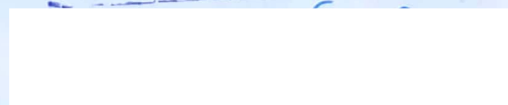
(Manjit Sarma)
MEMBER
F.T. CHIRANG
Foreigners Tribunal, Chirang

Compared with the original copy



Foreigners Tribunal, Chirang

Certified to be true copy



Bench Assistant
Foreigners Tribunal
Chirang

12.6.2024

