

संवाद का दिन असम के दिन
Date of application for
the copy

संवाद का दिन असम के दिन
संवाद की तिथि वर्षा 45 दिनों
अन्तर
Date fixed for notifying the
requisite number of stamps
and folios

संवाद का दिन असम के दिन
संवाद की तिथि
Date of delivery of the
requisite stamps and
folios

संवाद का दिन असम के दिन
संवाद की तिथि तैयार की
Date on which the
copy was ready for
delivery

संवाद का दिन असम के दिन
संवाद की तिथि तैयार की
Date of making over
the copy to the
application

08/12/2025

08/12/2025

18/12/2025

18/12/2025

19/12/2025

SL NO- 52/25

Before The Member Foreigners' Tribunal No-5th at Goalpara

F.T. Case No- F.T/ 5/1398/MA/24
I.M.D.T. Reference case No- 674/04

Union Of India /State Of Assam

Vs.

Opp. Party :: Musstt Anowara Khatoon
W/O :: Md. Saiful Hussain
D/O :: Lt. Alamsha
Vill :: Nigam Shantipur
P.S :: Matia
Dist :: Goalpara



Advocate for the state of Assam Abdul Latif (Asst.G.P)
Advocate for Opp. Party Ashim Mobarak (Advocate)
..... Shofior Rahman (Advocae)

Present : N.K. Nath (Member Foreigners' Tribunal No-5thGoalpara)

Opinion

27/11/2025

1. This case was originally forwarded by the Superintendent of Police (B), Goalpara to the Chairman, IMDT, Goalpara under I.M.D.T. Act vide Reference I.M.D.T. No 674/04, expressing doubt about the nationality of the opposite party (O.P. for short) Musstt. Anowara Khatoon W/o Md. Saiful Hussain D/O Lt. Alamsha with a prayer to decide as to whether the O.P. is or not an illegal migrant as the O.P. during verification/enquiry could not produce any document in proof of her nationality or citizenship of India. That, thereafter, the Hon'ble Supreme Court in Sarbananda Sonowal v/s Union of India (2005) s sec 665 declared the I.M.D.T Act, 1983 and the rules made there under, as ultra-vires the constitution and struck down the said IM.D.T. Act, and the cases pending shall transferred to the Foreigners Tribunal under the Foreigners Act and the rules for decision prescribed under the Foreigners Tribunal Oder, 1964, accordingly the case has been transferred to the F.T 5th, Goalpara.

2. Accordingly, after registration of the case, the notice was issued to O.P. and on received of notice the O.P. present in person along with her learned engaged counsel and submitted written statement (w/s for short) along with photo copies of the documents denying the allegation leveled against her as suspected by the referral authority.

There after O.P. filed her evidence in chief on affidavit (here-in after called the affidavit) examined herself along with three witnesses DW-1, DW-2, DW-3, and exhibited documents in order to establish that she is an Indian Citizen.

3. The only point for determination is as to whether the O.P. is a "Citizen of India" or a "Foreigner" within the meaning of expression "Foreigner" as defined u/s 2(1)(a) of Foreigners Act, 1946.

4. As per provision of Section 9 of the Foreigners Act, 1946 the burden is upon O.P. to prove that she is not a foreigner but a citizen of India.

5. Heard argument of both parties. The O.P. through her evidence submitted the following documents, relied upon by her, in support of her contention and defence pleaded in the w/s.

- (i) Ext-A is the land sale deed.
- (ii) Ext-B is the another land sale deed.
- (iii) Ext-C is the another land sale deed.
- (iv) Ext-D is the certified copy of the voter list of 1966.
- (v) Ext-F is the certified copy of the voter list of 1970.
- (vi) Ext-G is the certified copy of the voter list of 1979.
- (vii) Ext-H is the certified copy of the voter list of 1985.
- (viii) Ext-H is the school certificate of opp party.
- (ix) Ext-I is the jamabandi of land.
- (x) Ext-J is the another Jamabandi of land.
- (xi) Ext-L is the voter list of 1997.
- (xii) Ext-M is the certified copy of the voter list of 2005.
- (xiii) Ext-N is the certified copy of the voter list of 2011.
- (xiv) Ext-O is the certified copy of the voter list of 2015.

6. I have carefully gone through the case record, the opp party in her w/s as well as evidence in chief stated that she is an Indian citizen and her parents are also citizen of India by birth. The father's name of opp party is Lt. Alom Shek and mother is Karimon @ Karibor Bewa. The name of grandfather is Lt. Rose Mamud Shah and grandmother name is Lt. Rahamani Bewa. The name of opp party's father has been

Contd.3

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ecorded in the voter list of 1966 and 1970. The opp party's father Alom Shah had purchased some plot of patta land i.e. on 19/09/1947, 28/07/1952 and 07/02/1959. The opp party was born and brought up at village Kharda Manikpur (presently). Kharda Manikpur are the name as Kharija Manikpur. The opp party along with her brother and sister have inherited plot of land vide order dated 20/06/23 of circle officer of Matia revenue circle. The opp party got married with one Saiful Hussain s/o Dhepa Sk of Mamudpur Pt-I under PS Matia about 40 yrs ago. The name of opp party has been recorded in the voter list of 1985 under 37 Goalpara East LAC along with her husband. The name of opp party also recorded in the voter list of 1997, 2005, 2011 and 2015 along with her husband. In the cross examination also opp party stated as DW-1 that her name is Anowara Khatun aged 60 yrs. She was born at Kharija Manikpur, Krishnai. She passed LP. School at Majgaon LP school. She got married with one Saiful Hussain S/o Dhepa Sk. about 40 back. Her father's name is Lt. Alom Shah and mother name is Korimon Nessa. She has been migrated Mamudpur Pt-I to Sidhabari Pt-II (Nigam Shantipur) and residing there on about 30/40 yrs. She casted her first vote in the yr 1985 at Mamudpur Pt-I. There after she casted her vote several time at Sidhabari Pt-II and after that became "D" voter and could not casted her vote. She has 1 son and 2 daughters namely Abdullah, Salema Khatun and Sokina.

7. DW-2 Kurban Ali s/o Lt. Alom Shah stated in his cross examination that his name is Kurban Ali aged 60 yrs, who born at village Kharija Manikpur. Anowara Khatun is his elder sister. She also born at Kharija Manikpur, She got married with Saiful Hoque of Mamudpur Pt-I and after residing 5/6 yrs there on shifted to village Sidhabari Pt-II. They are 5 brothers and 5 sisters. They are namely Sikender Shah, Kashiruddin Shah, Kutubuddin Shah, Kafiluddin, Kurban Ali, Anowara was 8 Nos issue among the brother and sisters. His father's name is Alom Shah and mother name is Korimon Nessa. Both are died. He has casted his 1st vote in the yr 1985 along with his mother. His grandfather name is Rose Mamud Sk.

8. DW-3 Ambia Bibi D/O Lt. Alom Shah in the cross examination stated that her name is Ambia Bibi aged 65 yrs and born at village Kharija Manikpur Krishnai. Opp Party Anowara Khatun is her younger sister. She

has been living at Mendipathar, Meghalaya after marriage. The husband name of her (Anowara Khatun) is Saiful Islam. Her father name is Alom Shah and mother name is Korimon Bewa. Her grandfather name is Rose Mamud and grandmother name is Rahamani.

9. Now let see whether opp party has been able to prove that she or her parents were citizen of India by submitting valid documentary evidence.

10. On perusal of Ext-A, the registered sale deed where by Md. Alom Shah s/o Lt. Rose Mamud Shah purchased a plot of land on 19/09/1947. Which has been purchased from Moulabi Abdul Shobhana s/o Lt. Munchi Khod-Mohammad and etc.

11. On perusal of Ext-B, the another registered sale deed which was registered on 28/07/1952, where by Md. Alom Shah s/o Haji Rose Mohammad purchased a plot of land from Md. Meheruddin Ahmed s/o Lt. Iyanuddin Sk.

12. Ext-C is the another registered sale deed dated 07/02/1959 where by the Md. Alom Shah s/o Lt. Haji Rose Mamud purchased a plot of land from Md. Khobor Shah s/o Lt. Sher Mamud Shah on 7/02/1959.

13. All the Ext-A, Ext-B and Ext-C registered sale deed are more than 30 yrs old and no need to prove the contents of Ext-A, Ext-B, and Ext-C.

14. On perusal of Ext-D the electoral roll of 1966 under Dudhnoi (ST) LAC, 46 where in it is seen that the name of i) Rahmani Bewa w/o Lt. Hajir Rahman , ii) Md. Alom Shah s/o Lt. Hajir Rahman and iii) Koriban Bibi w/o Alom Shah have been recorded against SI No 28, 29 & 30 respectively under common house no 12 at village Kharija Manikpur.

15. On perusal of Ext-E the electoral roll of 1970 under Dudhnoi (ST) LAC, 46 where in it is seen that the name of i) Rahmani Bewa w/o Lt. Hajir Rahman, ii) Alom Shah s/o Lt. Hajir Rahman and iii) Koriman Bibi w/o Alom Shah have been recorded under sl no 29, 30, and 31 respectively along with other family member under common house no 12 at village Kharija Manikpur.

16. On perusal of Ext-F the electoral roll of 1979 under Goalpara East 37 LAC, where in it is seen that the name of Alom Shah s/o Hajroj Mamud , Korimon Bibi w/o Alom Shah have been recorded against sl no 12 and 13 respectively under common house no 4 at village Kharija Manikpur along with 5 others family members.

17. Ext-H is the school certificate issued by the head master Khirod Mohan Nath which has not been proved by adducing evidence of the issuing authority and it carries no evidentiary value.

18. Ext-I is the copy of computerised jamabandi of Surveyed village where in the name of Anowara Bibi D/O Koribon Bewa of village Kharija Manikpur dist. Goalpara has been recorded as co-pattadar against a plot of land covered by patta no 32 (new).

19. Ext-J is the certified copy of Jamabandi of surveyed village where in it is seen that the name of Anowara Bibi daughter of Koribon Bewa of village Kharija Manikpur dist Goalpara has been seen recorded as co-pattadar against the patta no 32.

20. On perusal of Ext-L, the electoral roll of 1997, Ext-M the electoral roll of 2005, Ext-N the electoral roll of 2011 and Ext-O the electoral roll of 2015 where it is seen that Anowara Khatun w/o Chayfal Husen was a recorded voter in the aforesaid period.

21. Now, from the reference case record, it appears that the instant case is against the opp party Musstt. Anowara Khatoon D/O Lt. Alom Shah of Nigam Shantipur under Matia PS who was married to one Saiful Hussain.

22. Now, from the evidence of DW-2 Kurban Ali s/o Lt. Alom Shah the brother of opp party Anowara Khatun and DW-3 Ambia Bibi D/O Lt. Alom Shah the sister of opp party Anowara Khatun it appears that Alom Shah is the father of Anowara Khatun (OP). Ext-A, Ext-B and Ext-C are registered sale deed, show that opp party's father Alom Shah had purchased some land in the year 1947, 1952 and 1959 and all the registered sale deed show that opp party's father Alom Shah was present in Assam from the year 1947. Ext-D the electoral roll of 1966 shows that opp part's father Alom Shah and mother Karibon Bibi were registered voter of the year 1966, Ext-E the electoral roll of 1970 also show that opp party's father Alom Shah and mother Karibon Bibi were recorded voter of the year 1970, thus Ext-A, Ext-B, Ext-C Ext-D the electoral roll of 1966 and Ext-E the electoral roll of 1970 show that opp party's father was a citizen of India. The opp party being the daughter of Indian Citizen Alom Shah, it cannot be said that opp party is a foreigner or illegal migrant of any stream.

23. Considering the entire material and discussion made above, I am of the considered opinion that the opp party namely Musst. Anowara Khatoon W/o Md. Saiful Hussain D/o Lt. Alamsha of village Nigam Shantipur under P.S. Matia in the dist Goalpara is not a foreigner as suspected in the above mentioned referenced case. Hence the reference case is answered in negative.

Inform the Superintendent of Police (B) Goalpara for information and necessary action.

—sd—

Member
Foreigners' Tribunal No-5th
Goalpara



Memo No: MFT-4/2015/ 1734

Dt: 29/11/25

Copy to:-

1. The Superintendent of Police (B), Goalpara for information and necessary action.

Asstt.

—sd—

Member
Foreigners' Tribunal No-5th
Goalpara