



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
9/11/26	F=05	9/11/26	9/11/26	9/11/26

BEFORE THE FOREIGNERS TRIBUNAL NO. 1st
BARPETA, ASSAM

F.T. Case No. 2870/18
IM(D)T Ref. Case No. 1371/2000



Present

Ms. Anurupa Dey,
Member, Foreigners Tribunal 1st
Barpeta

Union of India Petitioner.

-Vs-

Md. Alam Khan.....Opposite Party.

Date of Opinion: 06-01-2026

Appearance:

Govt. Pleader..... for the State.

Abhijeet Choudhury, Advocate..... for the Opposite party.

OPINION

1. This case has arisen out of the IM(D)T Reference case no. 1371/2000 being forwarded by the Superintendent of Police (B), Barpeta.
2. It is alleged in the reference case that Md. Alam Khan, S/o: Lt. Abdul Hakim, of Assam to be a foreigner. But later on as per direction of the Hon'ble Supreme Court dated 12/07/2005 in W.P.(C)131 of 2000 this case record automatically stand transferred to this Tribunal. Accordingly this case has been taken up for disposal in the manners as per provision Foreigners Act 1946 and Foreigners (Tribunal) Order 1964.
3. Notice was duly served upon the Proceedee/2nd Party and on receipt of notice, Proceedee appeared and filed written statement (WS in short). The Proceedee

Assistant
Tribunal-1



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claimed to be an Indian citizen by birth and now residing at Village: Katla, Mouza: Bhawanipur, P.S. Barpeta, Dist: Barpeta, Assam.

To prove the case Proceedee examined three witnesses including himself and exhibited some documents. On the other hand no one appeared on behalf of the State/1st Party to adduce evidence.

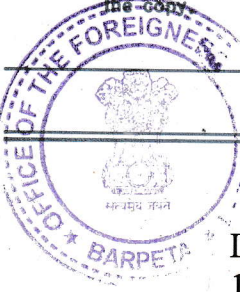
- Now the point for determination is as to whether the Proceedee is a citizen of India Or a 'Foreigner' within the meaning of the expression "Foreigner" as defined in the Foreigners Act, 1946.
- Heard argument of the learned counsel appearing on behalf of the Proceedee /2nd Party at length and also heard Government Pleader.

Discussions, Decisions and reasons thereof

- Proceedee Md. Alam Khan @ Alam Khan in his written statement stated that he is a bonafide citizen of India born about 64 years ago and brought up at the vill: Katla, the then P.S. & Sub-division: Barpeta, Dist. Kamrup, Assam. Proceedee stated that his parents' names are Abdul Hakim @ Abdul Hakim Khan and Joytan Nessa, step mother name is Jahura Khatun, grandparents' names are Sekandar Kha and Jarina Khatun. Proceedee stated that siblings' names are Ajijul Khan, Lt. Hawa Khatun, Rukia Khatun, step brothers' names are Jagir Khan and Arab Khan. Proceedee stated that his parents' names appeared in the voter lists of 1965 and 1970 and step mother's name appeared in the voter list of 1970

at vill: Katla, Mouza: Bhawanipur, P.S. & Sub-Div: Barpeta, the then Kamrup at 48 No. Bhawanipur LAC. Proceedee stated that his name appeared for the 1st time in 1985 voter list in respect of 41 No. Bhawanipur LAC of Barpeta Dist. bearing Proceedee stated that his name along with step mother and sisters' names appeared in the voter list of 1989 vide Sl. Nos. 529, 528, 530, 531, Part No. 86, vill: Katla at 41 No. Bhawanipur LAC. Proceedee stated that his name appeared in the voter list of 1997 vide Sl. No. 837, Part No. 86, vill: Katla at 41 No. Bhawanipur LAC. Proceedee stated that his name appeared in the voter lists of 2005, 2010, 2019, 2021 vide Sl. Nos. 927, 407, 430, Part No. 104, 139, 172, vill: Katla at Bhawanipur



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LAC. Proceedee stated that his grandparents' names are duly entered in the NRC of 1951 bearing Legacy 547 and in the said NRC of 1951, grandfather of Proceedee was a resident of vill: Katla, Mouza: Bhawanipur, P.S. & Sub-Div: Barpeta, the then Dist. Kamrup, Assam.

Proceedee in his evidence in chief as D.W.1 by way of Affidavit reiterated what he has stated in his written statement.

7. The Proceedee/2nd Party was cross examined and he exhibited some documents which were compared with original and marked (Ext. A), (Ext. B), (Ext. E) to (Ext. L) and (Ext. N).
8. I have perused the case record along with the WS and evidence available in the case record. Proceedee submitted the following document:-

(Ext.A) 1965 voter list certified copy,
 (Ext.B) 1970 voter list certified copy,
 (Ext.E) 1997 voter list certified copy,
 (Ext.F) 2005 voter list certified copy,
 (Ext.G) 2010 voter list certified copy,
 (Ext.H) 2019 voter list certified copy,
 (Ext.I) 2021 voter list certified copy,
 (Ext.J) Voter identity card,
 (Ext.K) Khatian copy,
 (Ext.L) Gaonpradhan certificate,
 (Ext.N) Voter identity card.

In his written statement and evidence on affidavit Proceedee stated that he is a bonafide citizen of India, born at village: Katla. Proceedee has submitted voter list of 1965, 1970, 1997, 2005 (Ext, A, B, E, F, G) where in 1965, 1970 voter list parents and step mother name appeared. Mother of Proceedee shifted to her parental house after the divorce. Proceedee's name appeared in the voter list of 1997 of village Katla.



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Procceedee produced mother Jaytan Nessa as defendant witness (in short D.W.2). The D.W.2 has filed evidence in chief on affidavit. The statements of her affidavit has corroborated the evidence of Procceedee. Tribunal cross examined D.W.2. In her answers, D.W.2 has deposed that she is the mother of Procceedee. I do not find any reason to disbelieve her evidence.

Ext. L is the certificate issued by the Gaonburah of village Katla, where it is certified that he knows Procceedee. He issued this certificate on the basis of 1965 voter list of Procceedee's father. The issuing authority of the said certificate has examined before the Tribunal and accordingly proved the same.

The evidence of Procceedee, coupled with the above mentioned documents relied upon by him appears to be trustworthy and there is nothing on record to disbelieve him. I find sufficient proof on record to come to a definite conclusion that the Procceedee was born and brought up through genuine Indian Parents and as such, he being the descendent of his Indian Parents cannot be termed as a foreigner as alleged in the above mentioned case.

The exhibited documents are admissible documents and certified copy of voter lists compared with original voter lists and found correct.

- As per provision of Section- 9 of the Foreigners Act, 1946 the onus of proving that he (Procceedee) is a citizen of India and not a foreigner lies upon the Procceedee. In this case Procceedee proved that he and his family members entered into Assam (India) prior to 25th March, 1971 and hence in my opinion he is not a foreigner.

In view of the discussions referred above and on the basis of the evidence and documents available in the case record the reference is answered in the negative in favour of the Procceedee.



प्रतिलिपि के लिए आवेदन की
तारीख

Date of application for
the copy.

स्टाम्प और फोलियो की अपेक्षित
संख्या सूचित करने की निश्चित
तारीख

Date fixed for notifying
the requisite number of
stamps and folios.

अपेक्षित स्टाम्प और फोलियो
देने की तारीख

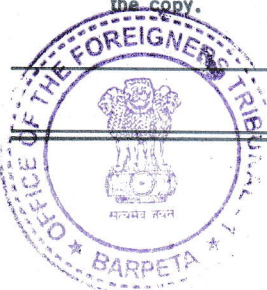
Date of delivery of the
requisite stamps and
folios.

तारीख, जबकि देने के लिए
प्रतिलिपि तैयार थी

Date on which the copy
was ready for delivery.

आवेदक को प्रतिलिपि देने की
तारीख

Date of making over the
copy to the applicant.



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ORDER

11. Considering the entire material on record and the discussion above, I am of the considered opinion that Proceedee namely Alam Khan, S/O: Late Abdul Hakim Khan of village: Katla, P.S: Barpeta, Dist: Barpeta is not a foreigner as alleged in the reference case. Hence, the reference is answered in the negative in favour of the opposite party.

Sd/-Anurupa Dey.
Member
Foreigners Tribunal- I
Barpeta.

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Certified to be true copy

Copyist
Foreigners Tribunal-1
Barpeta

Bench Assistant
Foreigners Tribunal-1
Barpeta

Upper Division Assistant
Foreigners' Tribunal-1
Barpeta