

(1)



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

BNGN/FT CASE NO./1205/2010

(BNGN/IM(D)T/ CASE NO. 1944/2003)

P R E S E N T

SHRI DULAL SAHA ,MEMBER

FOREIGNERS' TRIBUNAL BONGAIGAON NO.1

STATE OF ASSAM

PETITIONER

-VRS-

MD. KASHEM ALI .

S/O- LT. NOJUMUDDIN SHEIKH @ NOJU SHEIKH.

APPEARANCE

ADVOCATE FOR THE STATE- MR.DEBABRATA DAS (A.G.P.).

ADVOCATE FOR THE O.P.-D.A. RAHIM ,S. AHMED AND S. RAHMAN .

DATE OF EVIDENCE-29-05-26,22-06-26 AND 14-07-26.

DATE OF ARGUMENT-31-08-2026.

DATE OF ORDER -05-09-2026.

O R D E R

This is a reference made Under Rule 2(1) of the Foreigners' (Tribunal) Order 1964, for rendering opinion as to whether Md. Kashem Ali, S/O Lt. Nojumuddin Sheikh @ Noju Sheikh ,village Dhupuri No.2 under Manikpur P.S. in the Dist. of Bongaigaon is a foreigner from specified territory, who entered in the state of Assam after 25th March 1971 or not?

In compliance with the notice, O/P appeared and contested the case by filing written statements, evidence-in-chief in the form of an Affidavit and relying upon certain documents.

The gist of the written statement as well as Evidence –in-chief is that, O/P was born from the wedlock of Naju Sheikh @ Nojumuddin Sheikh @ Nojumuddin @ Nojim Uddin Sheikh and Panful Nessa @ Panful in the year 1986 at village No. 1 Dhupuri,P.S. Manikpur, district Bongaigaon (Assam) and brought up at same village. O/P's father expired in the year 1974 and mother expired in the year 2018. O/P's grandfather's name was Najirulla @ Nojib and grandmother's name was Ambiya Khatun.That, Najirulla @ Nojob i.e. the grand father of the O/P was blessed with three sons and one daughter viz, Lt. Naju Sheikh @

Contd...2



Nojumuddin Sheikh @ Nojumuddin @ Nojim Uddin Sheikh (father of O/P). Yonus Ali(deceased), Khalek Miya (deceased) and Khatiman Bibi. O/P has only one sister viz. Toshiran Bibi. O/P was blessed with two sons viz. 1. Sahjahan Ali 2. Sahajamal Ali. O/P got married with Suraton Khatun in the year 1988, D/O, Lt. Toyab Ali of village No. 2 Dhupuri under P.S. Manikpur, Dist. Bongaigaon, Assam. The actual and correct name of grandfather of the O/P is /was Najir Ulla. The actual and correct name of father of O/P is Nojumuddin Sheikh. O/P's correct name is Kasem Ali. O/P's father was an absolute owner and possessor of a plot of land measuring 4B-1K-17L, vide Annual Patta No. 27 under Manikpur Revenue Circle. O/P's parents names have been enrolled in the voter list of 1966 under 41 No. Bijni L.A.C. The name of father, mother, uncle Khalek Miya, Fulmati Nessa (wife of Khalek Miya) of the O/P appeared in the voter list of 1971 under 34 No. Abhayapuri North L.A.C. O/P's name has been recorded in the voter lists of 1997, 2008, 2010, 2014, 2017, 2018, 2019 and 2020 respectively under 34 No. Abhayapuri North L.A.C. O/P was a student of 480 No. Dawaguri L.P. School. O/P also obtained an Elector Photo Identity Card vide No. JGY4238726. O/P also submitted a Ration Card issued by FCS & CA Bongaigaon under Bongaigaon dist. O/P also obtained a PAN Card vide No. issued by the Income Tax Dept., India and an Aadhaar Card vide No. O/P obtained a Panchayat Certificate. Hence O/P claims to be a citizen of India by birth & prayed to absolve him from the allegation levelled against him.

For the purpose of discharging burden as required U/S. 9 of the Foreigners' Act, 1946, to prove that, he is not a foreigner, as many as **18 (Eighteen)** documents exhibited by him. Heard both sides by the state.

Particulars of documents may be noticed as under:-

Ext-A is the computer generated certificate Jamabandi dtd. 29/05/2026. Here it is seen that O/P's father was an absolute owner and possessor of a plot of

Ext-A (i) is the Revenue paying receipt in the name of Kasem Ali.

Ext- B is the certified copy of 1966 voter list at village Dhupuri Pt. I under 41 No. Bijni L.A.C. where Nojumuddin S/O Nojir Ullah and Panful W/O Nojumuddin have been recorded as voters.

Ext-C is the translated copy of 1971 voter list at village Dhupuri Pt. I under 34 No. Abhayapuri North L.A.C. where Khalek Miya S/O Naji, Fulmati Nessa W/O Khalek, Nojumoddin Sheikh S/O Nojib and Panful Nessa W/O Nojumoddin have been recorded as voters.

Ext-D is the translated copy of 1997 voter list at village Dhupuri Pt. II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. Nasimuddin Sheikh and Suraton Khaton W/O Kasem have been recorded as voters.



Ext-E is the translated copy of 2008 voter list at village Dhupuri Pt.II under 34 No. Abhayapuri North L.A.C. where Suraton Khaton W/O Kasem and Kasem Ali S/O Lt. Najimuddin Sheikh have been recorded as voters.

Ext-F is the translated copy of 2010 voter list at village Dhupuri Pt.II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. Najimuddin Sheikh has been recorded as a voter.

Ext-G is the translated copy of 2014 voter list at village Dhupuri Pt.II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. Najimuddin Sheikh has been recorded as a voter.

Ext-H is the translated copy of 2017 voter list at village Dhupuri Pt.II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. Nojimuddin Sheikh has been recorded as a voter.

Ext-I is the translated copy of 2018 voter list at village Dhupuri Pt.II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. Najimuddin Sheikh has been recorded as a voter.

Ext-J is the certified copy of 2019 voter list at village Dhupuri Pt.II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. Najimuddin Sheikh has been recorded as a voter.

Ext-K is the certified copy of 2020 voter list at village Dhupuri Pt. II under 34 No. Abhayapuri North L.A.C. where Kasem Ali S/O Lt. NojimUddin Sk has been recorded as a voter.

Ext-L is the School Certificate (under objection) issued by the Head Teacher of 480 No. Dabaguri L.P. School in the name of Kasem Ali S/O Noju Sk village Dewtari, P.S. Manikpurin the Dist. of Bongaigaon.

Ext-M is the EPIC in the name of Kachem Ali S/O Lt. Najim Uddin Sheikh.

Ext-N is the Ration Card issued by the Food, Civil Supplies & Consumer Affairs Department, Bongaigaon in the name of Surtan Khatun W/O Kashem Ali, Vill Dhupuri No. 2.

Ext-O is the PAN Card vide No. _____ in the name of Kasem Ali S/O Nojimuddin Shekh.

Ext-P is the Aadhar Card in the name of Kasem Ali S/O Nojumuddin Sheikh, Dhupuri No. 2, Bongaigaon, Assam.

Ext-Q is the Death Certificate in the name of Panful Bewa issued by the S.D.M & H.O. Manikpur Block P.H.C. Bongaigaon Dist.



From the above, what is discernible is that, O/P is the son of Lt. Nojumuddin Sheikh @ Noju Sheikh and Panful Bewa of village No. 1 Dhupuri, who is the Citizen of India & O/P being the son of Indian Citizens, he is also a Citizen of India. Now whether O/P could prove this fact in Issues by adducing cogent & reliable evidence or not? Hence O/P is to prove following two Issues :-

(i) Whether Lt. Nojumuddin Sheikh @ Noju Sheikh and Panful Bewa are the Citizens of India, whom O/P claims to be his parents ? And

(ii) Whether O/P is the son of said Lt. Nojumuddin Sheikh @ Noju Sheikh and Panful Bewa?

I take up the Issue No. (ii) first, i.e., whether O/P is the son of said Lt. Nojumuddin Sheikh @ Noju Sheikh and Panful Bewa, because unless this fact in issue has been proved, it may not necessary to delve into an examination of the Citizenship status Lt. Nojumuddin Sheikh @ Noju Sheikh and Panful Bewa, whom the O/P claims to be his parents ?

Issue No. (ii) In this regard, O/P relied on Ext-A (Jamabandi) and Ext-O (PAN Card).

Ext-A is the computer generated Jamabandi where it is seen that O/P's father namely Nojimuddin was an absolute owner and possessor of the land measuring 4B-1K-17L, vide annual Patta No. 27(Dag No. 155, 156 and 200) at village No. 1 Dhupuri, under Manikpur Revenue Circle, Dist. the then Goalpara presently Bongaigaon Assam, and above said land, on the basis of right of inheritance and possession, by order dated 10-05-2022, of the Circle Officer, Manikpur Revenue Circle, vide Dag No. 155,156 and 200 was mutated in the names of O/P along with his sister. This document is taken into consideration as because, it has been dully proved by D.W. 2 (Subash Medhi). This D.W. 2 is the S.K. of Manikpur Revenue Circle, who in terms of his examination, produced some official documents, on the basis of which Ext-A was issued. Hence Ext-A is accepted.

Ext-O (PAN Card) contains the information that, O/P is shown as the son of Nojumuddin Sheikh, date of birth 01/06/1968, address-H/No. 129, Patiladaha, Bijni, Bongaigaon, Assam, India 783391. This PAN Card can be taken into consideration as the Income Tax Department authenticated the PAN Card through their Letter No.B-43 /ITO/W-1/BNGN/2025-26/105 dtd- 17-07-26. Hence this PAN Card establishes the fact that O/P is the son of Nojumuddin Sheikh.

From the above, what is discernible is that, O/P successfully establishes the fact that he is the son of Najumuddin Selkh. Hence Issue No. (ii) is decided in favour of the O/P.

On the other hand, Ext-B voter list of 1966 under 41 No. Bijni L.A.C. where Nojimuddin Ullah and Panful's names have been enrolled as voters. Hence this voter list



establishes the existence of Najimuddin and Panfuli, whom the O/P claims to be his parents, on the Indian Soil, since before 1.1.1966. Hence issue No.(i) is also decided in favour of the O/P.

Considering the above facts and circumstances stated above, it can be easily said that, O/P successfully discharged the statutory burden as incorporated U/S.9 of the Foreigners' Act.1946, the fact that, O/P is not a foreigner but Citizen of India.

Resultantly, I am of the opinion that, Md,. Kasem Ali S/O Lt. Nojumuddin Sheikh @ Noju Sheikh, Vill. Dhupuri, No. 2 , P.S. Manikpur, Dist. Bongaigaon, Assam is not a Foreigner.

Inform S.P. (B), Bongaigaon and District 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 5th day of September, 2026.

Transcribed at my dictation
and corrected by me.

Member,
Foreigners Tribunal, No. 1,
Bongaigaon.

Memo No.BFT/08/07-26/81 -A

Dated 05-09-2026

Copy to:-

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

Member,
Foreigners Tribunal, No. 1,
Bongaigaon: