**DISTRICT: BONGAIGOAN**

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh)

(CIVIL EXTRA-ORDINARY JURISDICTION)

**WP. (C) NO. __________ /2021**

Category Code:-

Subject:

To

The Hon'ble Mr. Justice Sudhanshu Dhulia, M.A , LL.B, the Hon'ble Chief Justice of the Gauhati High Court and His Lordship's Companion Justices of the said Hon'ble Court.

**IN THE MATTER OF:**

An application under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari and/or Mandamus and/or any other writ order or direction of like nature.

-AND-

**IN THE MATTER OF:**

Order dated 20/03/2020 passed by the learned Member Foreigners Tribunal No. 1,Bongaigaon in BNGN/FT Case No 69/2016 (Ref P.E Case No.498/15) (The State of Assam -Versus-Gulbanu @Gulbhanu Begum, where in the petitioner has been declared as a foreigner.

-AND-

**IN THE MATTER OF:**

Gross violation of the principles laid down in the case of Sarbananda Sonowal II and The State of Assam -Versus-Moslem Mandal.

-AND-

**IN THE MATTER OF:**

Non-appreciation of the law and the facts resulting is gross error & perversity in the order dated 20.03.20

-AND-

**IN THE MATTER OF:**

Violation of the fundamental and legal rights of the petitioner.

-AND-

**IN THE MATTER OF:**

Gulbanu Begum@ Gulbhanu Begum Aged about 44 years, Daughter of Md Taiyab Ali@Taib Ali Laskar @Taiyab Ali Laskar & Wife of Atowar Rahman

------- Petitioner

-Versus-

1.The Union of India represented by the Secretary to the Department of Home Affairs, New Delhi.

2.The State of Assam represented by the Commissioner and Secretary, Government

of Assam, Home Department, Dispur Guwahati-6

3. The Superintendent of Police (Border), Bongaigaon, Assam.

4. The Superintendent of Police, Bongaigaon, Assam.

5. The State Co-Ordinator, National Registrar of Citizens, Assam, Bhangagarh, Guwahati.

6.The State Chief Election Commissioner, Assam. Guwahati.

------ Respondents.

The application of the humble applicant above named

**MOST RESPECTFULLY SHEWETH**:

1. That the Petitioner is a citizen of India and as such she is entitled to all the rights, protections and privileges guaranteed

under the Constitution of India and the laws and rules framed thereunder.

2. That the petitioner is a resident of village Assam. The petitioner is a citizen of India by birth. The petitioner was born and brought up at village Chandpur Pt-IV of P.S Borkhola, District Cachar. She is the daughter of Taiyab Ali @Taib Ali Laskar @Taiyab Ali Laskar and Alitun Nessa @ Alitun Nessa Laskar. The petitioner is presently residing at her matrimonial home as stated above.

3. That the petitioner on 14.03.18 was served upon a notice by the Learned Foreigner Tribunal No-1, Bongaigoan, Assam alleging that a case has been submitted by the concerned S.P that she is an immigrant from Bangladesh and accordingly she was asked to show cause by appearing before the tribunal on 27.03.18 as to why she should not be declared as a foreigner. It may be pertinent to mention that notice was addressed to Gulbanu@ Gulbhanu Bibi daughter of Sirajul Haque and wife of Atowar Rahman.

Copy of the notice dated 14.03.18 is annexed as **Annexure 1.**

4. That the petitioner having received the notice submitted an application on 10.05.2018 stating that police forcefully served notice on her which she received owing to misunderstanding. It was pleaded that as she is not the daughter of Sirajul Sk, the proceedings against her is totally unfair and unjust. Accordingly, it is prayed that the proceedings may be cleared against her.

Copy of the application dated 10.05.18 is annexed as **Annexure 2.**

5. That the learned Tribunal however rejected the application of the petitioner for dropping her name owing to wrong reflection of her father's name in the notice served upon her by order dated 10.05.2018.

6. That the petitioner thereafter approached this Hon'ble Court by filing WP© No 3658/2018.The said petition was however dismissed directing the petitioner to approach the Learned Tribunal disclosing all material facts.

Copy of the Order dated 08.06.18 passed in WP(C) No 3658/2018 is annexed as **Annexure 3.**

7. That the petitioner filed her written statement claiming that she is a citizen of India and a regular vote of the No 33 Bijni LAC. The petitioner's case in the written statement interalia is that the petitioner is a citizen by birth, she was born at village Chandpur Part IV of P.S Borkhola, District Cachar. She is the daughter of Taiyab Ali@ Taib Ali Laskar @ Taiyab Ali Laskar and Alitun Nessa@ Alitun Nessa, her Grandfather's name is Arju Mia. She is married to Atowar Rahman of village of Bongaigaon district and she has been residing with her husband.

The petitioner's contention is that her father's name is enrolled in the legacy data of village Chandpur Part IV of Borkhola town, District Cachar. Further her father's name is also enrolled in the voter list of 1965 & 1970. She also contented that her father has a periodic Patta land at village Chandpur Part IV settled in the year 1954/55.The petitioner's further contention was that both the name of her parents were enrolled in the voter list. She was married to Atowar Rahman of Village No 2, Patkata, District Bongaigaon on 18.04.1992 and since then she has been residing

with her husband. Her name was enrolled with her husband in the voter list of 2010 under 33 No Bijni LAC. Her name was also enrolled in the Voter list of 2017 and she got a share of land from her father through mutation order dated 27.03.2018.She also has Electoral photo Identity card issued by the Election Commissioner of India. She relied upon the following documents:

1. Copy of legacy data
2. Certified copy of the Voters list of 1965
3. Certified copy of the Voters list of 1970.
4. Certified copy of the Voters list of 1997.
5. Certified copy of the Electoral Roll of 2010
6. Certified copy of the Electoral Roll of 2017

7.Copy of Jamabandi for Surveyed village

8.Copy of certificate of Gaon panchayat

9.Copy of Permanent Account Number Card

10.Copy of mutation order issued by the settlement officer, Katigorah

11.Copy of Identity card for candidate of G.P member

12.Copy of Electoral Photo Identity card.

Copy of the written statement is annexed as **Annexure 4.**

The Petitioner in view of the narration in the written statement while denying the allegation that she is a foreigner sought closure of the proceeding and declaration that she is a citizen of India.

Copies of the documents relied upon by the petitioner in her written statement is annexed as **Annexure 5 to 16.**

8. That the petitioner had also contested panchayat election 2013 for the post of G.P member of No 12 Palengbari G.P for which she was issued an Identity card by the concerned SDO (Civil & Returning Officer), the said fact was also mentioned in the written statement.

9. That the petitioner adduced evidence in chief in the form of an affidavit and exhibited the following documents Exhibit A to Exhibit M:

   Exhibit A- Certified copy of voter list of 1965.

   Exhibit B- Certified copy of voter list of 1970.

   Exhibit C- Copy of Jamabandi.

Exhibit D- Voter list of 1997.

Exhibit E- Copy of G.P certificate.

Exhibit F-Electronic certified copy of 2010 voter list.

Exhibit G-Electronic certified copy of voter list of 2017.

Exhibit H- Copy of information regarding mutation.

Exhibit I- Copy of Electronic photo Identity Card.

Exhibit J- Copy of PAN Card.

Exhibit K- Copy of an Identity card.

Exhibit L- Copy of Ration Card.

Exhibit M- Copy of Electronic Ration Card.

10. That the petitioner was also cross examined. In her cross examination she had interalia stated that she was 15 when she was married in the year 1992 and had never gone to school. She further stated that the police did not visit her house for inquiry.

Copy of the deposition recording the cross examination of the petitioner is annexed as **Annexure 17.**

The Learned Tribunal also issued summons to the Inspector Food and Civil supplies Bongaigoan for examining him on the issue of Exhibit L Ration card.

Copy of the said deposition is annexed as **Annexure 18.**

11. That the Learned Tribunal vide order dated 20.03.2020 declared the petitioner to be foreigner holding that she has miserably failed to establish that she was born out of genuine Indian parents prior to 24.03.71 and hence she is declared to be a foreigner who has entered India from the specified territory after 25.03.71 and therefore she is liable to be depoted.

Copy of the Order dated 20.03.2020 is annexed as **Annexure 19**

12. That the Learned Tribunal while declaring the petitioner to be a foreigner took extensive note of the enquiry report submitted by the referring authority. It may be pertinent to mention that the said report was never furnished to the petitioner and in fact no such enquiry was even conducted in presence of the petitioner. The learned tribunal took into account the report where it is referred that she could not submit any document in support of her nationality. In the report it is stated that the petitioner was falsely showing her father to be one Sirajul Sk. In this context it is apposite to mention that that the

petitioner on the advice of her counsel had obtained a copy of the enquiry report later on. As such the enquiry having been conducted behind the back of the petitioner, the same is in gross violation of the directions of this Hon'ble court in the case of Moslem Mandal. The said enquiry report also not having been furnished to the petitioner along with the notice, which is cryptic in nature, containing no grounds whatsoever is also a gross violation of the mandate in the case of Moslem Mandal and the principles of natural justice.

13. That due to lack of proper advice the petitioner did not adduce any evidence through any family member as it was the bonafide impression of the petitioner and as advised that the document submitted would be sufficient to prove her citizenship. Further her family members on the paternal side are residents of Cachar and as such because of the poor financial condition of the family it was not possible for such members to travel to Bongaigaon to adduce evidence in the case.

14. That the Learned Tribunal in the impugned order reflected that the petitioner had not raised any objection regarding the wrong mentioning of her father's name in the notice served upon her, ignoring the fact that on 10.05.2018 the petitioner in her

first petition had raised the said objection. The learned Tribunal while referring to the investigation report observed that the investigation report mentions that the petitioner had submitted some document showing her father's name to be Sirajul Haque and her mother as Isful Nessa. The said inquiry report as stated above, was not served upon the petitioner along with notice and neither the inquiry officer was examined as witness nor was a said officer was allowed to be cross examined by the petitioner, which is again a gross violation of the principle of natural justice.

15. That the inquiry report, which forms the basis of the allegations against the petitioner itself suffers from various illegalities and irregularities which itself not only has vitiated the process but also makes the reference bad in law.

Copy of the inquiry report is annexed as **Annexure 20.**

16. That the learned Tribunal while examining the documents exhibited in the proceeding was acting with a preconceived mind as would be evident from the impugned order itself. Such decision with preconceived notion has vitiated the entire findings

and unless the same is set aside and quashed, the petitioner would suffer irreparable loss and injury.

17. That the petitioner is a voter, her name having been enrolled in the voters list and also the concerned authority has issued an Electoral Identity Card in the name of the petitioner. The Learned Tribunal thus had no authority to discard such piece of evidence, which only a citizen is entitled to have. The said electoral registration or for that matter the EPIC issued in favour of the petitioner was not objected to by the state and as such there being no objection, the learned Tribunal could not have discarded the said document in an arbitrary manner and on assumption and presumptions.

18. That the learned Tribunal has no jurisdiction to determine the validity of the registration of the petitioner as a voter and more so since no objection was raised on the validity and the authenticity of the said documents, much less any evidence controverting the authenticity and genuineness of the said documents having been produced. The finding of the learned Tribunal suffers from jurisdictional error as well as perversity.

19. That the petitioner had admittedly exhibited certified copies of electoral rolls of her parents of the year 1965 & 1970, which establishes her link with her parents. Merely because the inquiry officer in a farcical inquiry conducted behind her back had recorded her father's name as Sirajul Sheikh, the same cannot be a ground to make the petitioner the daughter of Sirajul Sheikh ignoring the evidence on record.

20. That the petitioner also exhibited the Jamabandi of village in the Cachar district in the form of Exhibit C where her father's name appeared as a Pattadar of a land and further she also exhibited an order of the Assistant Settlement Officer, Katigorah Revenue circle showing the mutation of her name in place of her deceased father, which is a document of personal nature and could have only been produced by a lawful custodian of the document. However, the said document was also ignored in an illegal and arbitrary manner.

21. That the Learned Tribunal failed to appreciate the fact that the standard of proof with which the petitioner was required to discharge her burden is that of preponderance of probability and the various land documents amply demonstrated that she is the

daughter of late Taiyab Ali and yet learned Tribunal discarded the evidences on record.

22. That the Learned Tribunal failed to appreciate the fact that none of the documents relied upon by the petitioner were objected to by the state and as such once the documents having been admitted, the Learned Tribunal ought not have discarded the said documents to come to a contrary finding.

23. That the proceedings before the learned tribunal being the quasi-judicial in nature, the rigors of the Evidence Act and the Code of Civil Procedure are not applicable and therefore the Learned Tribunal grossly erred in ignoring the documents relied upon by the petitioner and declaring the petitioner to be a foreigner.

24. That the Learned Tribunal failed to appreciate the provisions of Sec 65B of the Evidence Act with regard to the electronic evidence and discarded the corroborative evidences submitted by the petitioner.

25. That even assuming but not admitting that the petitioner's document did not inspire the confidence of the court to conclude that she is a citizen of India the fact remains that there is not an iota of evidence to show that she had entered into India from the specified territory or for that matter there is not an iota of link of the petitioner within the specified territory and therefore finding to that extent is based on surmises and conjectures and the said declaration that the petitioner is to be deported to the specified territory suffers from perversity.

26. That the findings of the learned Tribunal does not make the petitioner a citizen/national of the specified territory and the findings rendered to the learned tribunal can only render her stateless, which will be a gross violation of her human rights and the accepted norms and standards with regard to nationality of a person.

27. That the fact that the Petitioner is standing within the borders of the country raises a strong presumption in favour of the Petitioner that she/he is born and brought up in the country and the Petitioner cannot be termed to be a foreigner/infiltrator without any evidence and unless this Hon'ble Court interferes with the matter the Petitioner would suffer irreparable loss and

injury. The fact that a person may not be able to prove his existence in the country of for that matter her legacy in the country by producing land documents, birth certificates, educational certificates etc, does not make him/her a foreigner or a national of another country. Such is not law of this country that all Indians who are illiterate, landless, non-holders of birth certificate are presumed to be foreigners/more particularly Bangladeshis who have infiltrated into the country. It is not the case of the state that the petitioner is a foreign national who was caught crossing the borders or for that matter had come to India with documents, which have expired in the meanwhile but the petitioner has overstayed such period or that he /she had come with forged documents and as such the finding that the petitioner is a foreigner is based on not an iota of evidence or irrebuttable presumption of law.

28. That the petitioner states that the tribunal being a Quasi-judicial body is not bound by the strict rules of evidence and as such also once a document is produced the learned Tribunal cannot discard the document unless the state adduces evidence that the document is not genuine or was fraudulently obtained. The tribunal has no jurisdiction to opine on the genuineness of documents unless there are materials and evidence to show that

the documents produced by the petitioner are not genuine or have been obtained by fraud.

29. That the learned tribunal while declaring the petitioner to be a foreigner took a hyper technical approach and opined that the petitioner was an infiltrator post 25.03.1971.

30. That the allegation that the petitioner is an infiltrator is nothing but surmises and conjectures and the burden of proof has been put on the petitioner notwithstanding the allegation in itself has no legs to stand. The state has made a positive allegation that the petitioner is an infiltrator and as such it was the duty of the state to show that the petitioner was an infiltrator with some prima facie materials and only then the onus of proof shifts on the petitioner/proceedee. The settled position of law is that the burden never shifts and remains with the one who asserts. It is the onus which shifts. Section 9 of the Foreigners Act though in the marginal note states about the burden of proof, the substantive part of the section states that when the question arises as to whether a person is a foreigner or not the onus shifts on to the petitioner to show that he/she is not a foreigner. The question as to whether the petitioner is a foreigner or not cannot arise in the vacuum without there being any material to back the

allegation either in the form of proof or presumption making out a prima facie case for adjudication. Unless there is a case/question for adjudication, the onus cannot be on the petitioner/proceedee to prove otherwise. The petitioner is not required to rebut the suspicion in someone's mind, but the requirement is to rebut materials in the form of proof or presumption that the petitioner is a foreigner. In the instant case, the allegation being one in the realm of surmises and conjectures even assuming but not admitting that the petitioner fails to discharge the burden, the issue as to whether the petitioner is a foreigner or not is neither proved nor disproved and as such the question stands not proved and therefore the allegation has to fail.

31. That the standard of proof in a proceeding before the tribunal is that of preponderance of probability and minor discrepancies here and there cannot lead to a harsh penalization of deprivation of the petitioner's citizenship more particularly when the state's entire claim was based on surmises and conjectures and not on an iota of evidence.

32. That the Foreigners Act 1946 there is no presumption in law with regard to the alienage of a person and therefore in the

absence of any materials to back the allegations, the findings against the petitioner are not only erroneous but also perverse.

33. The findings in the opinion that the petitioner has infiltrated into the country post 25.03.1971 is based on surmises and conjectures and therefore is liable to be declared as non-est in law.

34. That the onus of proof on the proceedee arises when a question arises as to whether the person is a foreigner or not. The allegation being that the petitioner is an infiltrator is a question of fact and that question must be based on the existence of some foundational facts which are missing in the instant case and as such the finding that the petitioner is an infiltrator is based on no evidence and therefore perverse.

35. That the test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. There being no material in support of the allegation that the petitioner is an infiltrator the finding is based on no evidence and therefore perverse.

36. That the Hon'ble Apex Court in the case of Sarbananda Sonowal in paragraph 44 has held that it is one thing to say that the tribunal before issuing notice must satisfy the existence of a prima facie case but it is another thing to say that before issuing notice the basic facts have to be prima facie established. The Hon'ble apex court in paragraph 46 of the judgment has though held that the establishment of the basic facts would be contrary to Section 9 of the FT Act but has not said that the tribunal need not satisfy itself of the existence of a prima facie case. In the instant case there is no material to show the existence of a prima facie case that the petitioner is an infiltrator and therefore even assuming but not admitting that the petitioner has failed to discharge the burden it does not in any manner establish that the petitioner is a foreigner or an infiltrator.

37. That the Hon'ble Apex Court in the case of Sarbananda Sonowal in Paragraph 55 has held that adequate care should be taken to see that no genuine Indian Citizen should be thrown out of the country and that the person is entitled to all safeguards. In the said case it has also been held that the primary onus in relation to setting out the main grounds of proceeding against a person is on the state. Once the tribunal satisfies itself about the existence of the grounds the burden of

proof is on the proceedee. In the instant case no grounds were furnished and in fact no ground exist to link the petitioner with any foreign country and/or in any act of infiltration and therefore the allegation in itself is nothing but a figment of imagination of some authorities and/or suspicions in their mind which is not supported by any materials and therefore the entire opinion is perverse. In fact the reference is bad in law.

38. That in the case of Moslem Mondal this Hon'ble court in paragraph 81 has held that the grounds on which a proceedee is suspected to be a foreigner must be reasonable and relevant to the issue of foreigner. Grounds must have reasonable nexus to the issue of foreigner. In paragraph 89 it was held that the tribunals gets the jurisdiction on a reference made. The tribunal has to cause service of the main grounds. Tribunal is required to give reasonable opportunity to the proceedee to make a representation, producing evidence before giving an opinion. However, in the instant case no grounds were furnished and therefore the directions in the case of Moslem Mandal stands violated.

39. That further in Paragraph 98 of the judgment in the case of Moslem Mondal it is been held that the reference by the

referring authority should not be mechanical. There must be application of mind on the materials collected. The tribunal has to prima facie satisfy itself about the existence of the main grounds before issuing notice which is in conformity with the decision of the Hon'ble Apex Court but the same has been violated. The requirement of application is that of application of mind on materials on record and not on the opinion of the investigating officer or the referring authority. In the instant case there is no materials to connect the petitioner with any foreign country.

40. That in the case of Anil Rishi V Gurbaksh Singh reported in 2006(5) SCC 558, it has been held that distinction exist between burden of proof and onus of proof. The initial onus is always on the plaintiff and once the same is discharged the onus shifts to the defendant. In the case of reverse burden of proof the initial burden of showing at least the existence of the main grounds is on the state and unless the said burden is discharged the onus of proof does not shift on the proceedee, an aspect which has not at all been appreciated by the learned Tribunal.

41. That it is one thing to say that the petitioner is foreigner, and it is another thing to say that that the petitioner has failed

to establish her citizenship. The failure of prove citizenship would make the petitioner stateless and does not and cannot link the petitioner with any foreign country or make the petitioner a citizen or domicile of another country and the opinion in the instant case would make the petitioner stateless as there is no question of any other country accepting an Indian citizen to be their citizen. As such unless the impugned order is set aside the petitioner would be left languishing in a detention center for her life in gross violation of Article 21 of the constitution of India and even outside she would be a stateless person without having meaningful existence as envisaged under Article 21 of the Constitution of India.

42. That this Hon'ble Court is the case Idrish Ali has held that the Tribunals are not bound by the strict Rules of evidence which is also the settled position of law enunciated by various judgments of the Hon'ble Apex Court. The standard of proof before the tribunal is that of preponderance of probability. However, the learned tribunal failed to appreciate the settled legal provision in appreciating the evidence adduced in the case.

43. That in the instant case if the wight of the evidence is taken into consideration while there is nothing to substantiate that the

petitioner is an infiltrator or a foreigner, the evidence adduced by the petitioner are sufficient to establish by preponderance of probability that the petitioner is an Indian Citizen. Though some of the documents may not be strictly speaking evidence but these documents corroborate the other evidence that have been produced and in fact these evidence on their own establish the case of the petitioner.

44. That the reasons recorded by the learned tribunal in discarding the exhibits would show that the evidence have been discarded in a whimsical manner and the learned tribunal has decided the case on the basis of establishment of the case of the petitioner beyond reasonable doubt.

45. That the proceeding before the learned Tribunal is to determine whether the proceedee is a foreigner or not but indirectly what the learned tribunal decided is whether the person has been able to prove her legacy and linkage with her parents and citizenship based on such linkage. These two issues whether person is a foreigner or not and whether a person has been able to prove her citizenship though may look to be same but there is a fundamental difference between these two questions and the couching of Section 9 of the Foreigners Act

makes it self-evident. But the learned tribunal determined the issue of citizenship in a indirect way as though the issue was whether the petitioner is a foreigner or not, the learned tribunal deiced the question whether the petitioner has been able to prove issues like her paternity etc, which is without jurisdiction. A person cannot be a foreigner unless her citizenship or domicile of any other country is proved as without such proof to hold that the petitioner is a foreigner is mere surmises or conjectures So far a citizenship of the petitioner is concerned, the petitioner states that there is no law which says that a natural born Indian citizen has to have a particular document to prove her citizenship and therefore not having any document cannot lead to the conclusion that the person is a foreigner. The petitioner is enumerated as a voter. Under Article 326 of the of the constitution only citizen can be a voter and therefore the enumeration itself raises a presumption that the petition is a citizen, given the fact that the petitioner is a citizen given the fact that the process of enumeration is a detailed and exhaustive one and under such circumstances the burden was rather on the state to show that the petitioner's name was wrongly included as a voter. The learned tribunal grossly failed to appreciate the law and adopted a hyper technical approach in the matter.

46. That the learned tribunal overstepped its jurisdiction in first issuing a notice without there being any case for adjudication and thereafter took into account irrelevant considerations and raised questions on the paternity and legacy of the petitioner by blatant overstepping its jurisdiction and entering into areas in which the learned tribunal has no jurisdiction. The impugned order is vitiated by jurisdictional error, perversity, violation of principles of natural justice.

47. That the findings of the learned tribunal is per-incuriam because of the gross violation of the judgments in the case of Moslem Mondal and Sarabananda Sonowal II inasmuch as various aspects which have been settled by the law laid down in the said judgments have been overlooked and ignored.

48. That the petitioner being a voter her case has to be judged by the appropriate authority in terms of the direction of the Hon'ble Apex Court in the case of Lal Babu Hussain and taking into consideration that fact that no questions were raised by the appropriate authority at any point of time on the inclusion of her name in the voters list.

49. That the petitioner has not been arrested so far. And as such the petitioner may be protected by an interim order by directing that she may not be arrested during the pendency of the proceedings and/or deported outside the country.

50. That the interim relief as prayed for unless granted considering the gravity of the implications of the impugned judgment and order, would cause irreparable loss and injury to the petitioner. The balance of convenience also lies in favour of the grant of interim order. The petitioner has made out a prima face case for an interim order.

51. That the petitioner has no other alternative and /or efficacious remedy and the relief sought herein are just and adequate.

52. That the petitioner has not filed any other suit of petition in respect of the subject matter in the instant petition.

53. That the petitioner has demanded justice but the same has been denied to her.

54. That the documents annexed to the writ petition are true to the knowledge of the deponent.

55. That the writ petition is filed bonafide and for securing the ends of justice.

In the premises aforesaid Your Lordships may be pleased to admit this petition, call for the records, issue notice to the respondents to show cause as to why the reliefs as prayed for shall not be granted and on such cause or causes being shown, upon hearing the parties and on perusal of records may be pleased to grant the following reliefs.

I. A writ in the nature of Certiorari setting aside and quashing the Judgment and Order dated 20.03.2018 passed by the Learned Member Foreigners Tribunal No. 1, Bongaigoan in RFT Case No 69/2016 (Ref P.E Case No 498/2015).

II. A writ in the nature of Mandamus directing the authorities to restore the name of the petitioner in the voters list and for grant of all consequent rights of a citizen.

III. Pass such other/further order, as Your Lordships may deem fit and proper in the interest of justice to protect the rights of the petitioner.

IV. And pending disposal of the petition, Your Lordships may be pleased to direct that during the pendency of the writ petition, the petitioner may not be arrested and/or be deported from the country in connection with Judgment and Order dated 20.03.2018 passed by the Learned Member Foreigners Tribunal No. 1, Bongaigoan, RFT Case No 69/2016 (Ref P.E Case No 498/2015).

And for this act of kindness as in duty bound the petitioner shall ever pray.