ITEM NO.40 COURT NO.15 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) Nos. 6872-6873/2021

[Arising out of impugned final judgment and order dated 27-11-2017 in WPC No. 7228/2017 and 05-04-2018 in WPC No. 7228/2017 passed by the Gauhati High Court]

JAHURA KHATUN PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT(S)

**(IA No. 94346/2020 - EXEMPTION FROM FILING O.T.
IA No. 94348/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

Date : 07-05-2025 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Abdul Qadir Abbasi, AOR

For Respondent(s) Ms. Archana Pathak Dave, A.S.G.
Ms. Swarupama Chaturvedi, Sr. Adv.
Ms. Chitrangda Rastravara, Adv.
Mr. Vishnu Shankar Jain, Adv.
Ms. Mani Munjal, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the parties.

2. The Illegal Migrants((Determination) Tribunal, Nagaon (IMDT, Nagaon) declared the petitioner as an illegal migrant vide order dated 06.06.2005. The challenge to the said order was rejected by the Foreigners Tribunal on 23.06.2017.

3. The aforesaid two orders were assailed by

the petitioner by filing a Writ Petition(Civil) No. 7228 of 2017 before the Guwahati High Court. The said writ petition has been dismissed by the order impugned.

3. The High Court in dismissing the writ petition vide para '12' has observed as under:-

> ***"12. It is really very surprising that even after her declaration as an illegal migrant in the year 2005, petitioner has got an identity card in her name from Election Commission of India in 2013, enlisted herself as a voter of Batadraba Constituency in 2016 and obtained an Aadhar Card when it is in public domain that in so far State of Assam in concerned, process of issuing Aadhar Card to the citizens is yet to commence. Therefore, prima facie genuineness of these annexures are highly suspect. To add to the suspicion, we find that in the Elector Photo Identity Card, petitioner was shown as 38 years of age as on 01.01.2013 which means she would be 42 years of age in 2017; in the Aadhar Card, her date of birth is mentioned as 01.01.1977 which means she would be 41 years of age in 2017; but in the affidavit sworn in support of the present writ petition on 21.11.2017, petitioner disclosed her age on oath as 34 years!! However, all the above annexures have been certified to be true copies by the petitioner's Advocate."***

4. In the facts and circumstances of the case, we are not inclined to interfere with the concurrent findings of the fact recorded by the three Courts below. Therefor, we are not satisfied that any case for interference is made out under

Article 136 of the Constitution of India.

5. The present petitions are, accordingly, dismissed.

6. Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)