

GAHC010000092025



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/20/2025**

SURAJ NAIDING AND 3 ORS.  
S/O- LATE SUSHINDRA NAIDING, R/O- VILL.- DIBARAI, P.O. HAFLONG,  
PIN- 788819, DIST. DIMA HASAO, ASSAM

2: BIMONTA THAOSEN  
S/O- LATE THANGSHING THAOSEN  
R/O- VILL.- TOPODISA  
P.S. HAFLONG  
P.O. SARKARI BAGAN  
PIN- 788820  
DIST. DIMA HASAO  
ASSAM

3: DHIRONJOY NAIDING  
S/O- SRI CHATRINON NAIDING  
R/O- COLLEGE ROAD  
DIMA HASAO  
P.S. HAFLONG  
PIN- 788819  
DIST. DIMA HASAO  
ASSAM

4: AMON THAOSEN  
S/O- LATE DAJALA THAOSEN  
R/O- MANDERDISA  
VILL.- LANGTING  
PIN- 788832  
DIST. DIMA HASAO  
ASSA

VERSUS

THE N. C. HILLS AUTONOMOUS COUNCIL AND 5 ORS  
REPRESENTED BY ITS PRINCIPAL SECRETARY (N) HAFLONG, DIST. DIMA

HASAO, ASSAM

2:THE STATE OF ASSAM  
REPRESENTED BY THE CHIEF SECRETARY  
GOVERNMENT OF ASSAM  
BLOCK-C  
3RD FLOOR  
ASSAM SACHIVALAYA  
DISPUR  
GUWAHATI-781006.

3:THE HONBLE GOVERNOR  
STATE OF ASSAM THROUGH HIS SECRETARY  
RAJ BHAWAN  
KHARGULI HILLS  
UZAN BAZAR  
GHY-781001.

4:THE CHAIRMAN  
N.C. HILLS AUTONOMOUS COUNCIL  
HAFLONG  
DIST. DIMA HASAO  
ASSAM

5:THE CHIEF EXECUTIVE MEMBER  
N.C. HILLS AUTONOMOUS COUNCIL  
HAFLONG  
DIST. DIMA HASAO  
ASSAM

6:THE COMMISSIONER AND SECRETARY  
HILLS AREA DEPARTMENT  
GOVERNMENT OF ASSAM  
DISPUR-6  
GUWAHATI  
ASSA

**Advocate for the Petitioner** : MR B D DAS, MRS R DEKA,MR. H R DAS,MR J LOTHAN

**Advocate for the Respondent** : GA, ASSAM, SC, NCHAC

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**08.01.2025**

(K.R. Surana, J)

Heard Mr. B. D. Das, learned senior counsel assisted by Ms. R. Deka, learned counsel for the petitioners. Also heard Ms. R. Deka, learned Standing Counsel for the N.C. Hills Autonomous Council, representing respondent Nos.1, 4 and 5; and Mr. D. Sarma, learned Additional Senior Government advocate appearing for the respondent Nos. 2, 3 and 6.

2. The competence of the N.C. Hills Autonomous Council to amend the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, thereby inserting North Cachar Hills District (Constitution) of new rule 18A by virtue of the Assam Autonomous Districts The Constitution of North Cachar Hills Autonomous Council (Forty-Second) Amendment Act, 2017, is assailed in this writ petition filed under Article 226 of the Constitution of India.

3. The challenge is made on the ground that the issue relating to insertion of Anti Defection Law for the Autonomous Councils under the Sixth Schedule is pending before the Parliament by virtue of the Constitution (One Hundred and Twenty-fifth Amendment) Bill, 2019, being Bill No. VIII of 2019. It is also submitted that there is no provision in the Sixth Schedule of the Constitution of India to empower the N.C. Hills Autonomous Council to adopt the amendment in terms of Rule 18A.

4. Issue notice including notice in the prayer for interim relief returnable on

07.02.2025.

5. Requisite extra copies of the writ petition be furnished to the learned State and Departmental counsel within 2 (two) working days.

6. List the matter on 07.02.2025.

**JUDGE**

**JUDGE**

**Comparing Assistant**