

GAHC010001432026



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

Case No. : WP(C)/188/2026

AMIR ALI
S/O- SOFIAL HOQUE, R/O- VILLAGE AND P.O.- PATAMARI, P.S. AND DIST.-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI- 781006, ASSAM

2:THE DISTRICT COMMISSIONER
DHUBRI
P.O. AND DIST. DHUBRI
ASSAM

3:THE CHIEF EXECUTIVE OFFICER
DHUBRI ZILA PARISHAD
P.O. ANND DIST. DHUBRI
ASSAM

4:THE BLOCK DEVELOPMENT OFFICER CUM EXECUTIVE OFFICER
DHARMASALA ANCHALIK PANCHAYAT
P.O. DHARMASALA
DIST. DHUBRI
ASSAM
PIN- 783325

5:THE SECRETARY OF 74 NO. PATAMARI GAON PANCHAYAT
P.O. PATAMARI
DIST.- DHUBRI
ASSAM

PIN- 783324

6:RENUKA KHATUN
W/O- SEKENDAR ALI
VILLAGE- DIGHALTARI PT-II
P.O. PATAMARI
DIST. DHUBRI
ASSAM
PIN- 78332

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR,MR A K DAS

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

28.01.2026

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. M Das, learned counsel for the respondent No. 2.

The Petitioner is agreed by the impugned order dated 19.12.2025 whereby as per provision of Section 111 (2) of the Assam Panchayat Act, 1994 read with the Rule 62(4)(b) and (c) of the Assam Panchayat (Constitution) Rules 1995, the Petitioner was elected as the Anchalik Panchayat member from 74-Patamari Gaon Panchayat was disqualified and removed from the Anchalik Panchayat Member with immediate effect. As per the said order, petitioner has violated the legal age of marriage under the Prohibition of Child Marriage Act 2006 and therefore had rendered himself ineligible to be elected as a member of the Anchalik Panchayat. Being aggrieved, the present writ petition has been filed.

The learned counsel for the petitioner submits that the amendment to the Prohibition of Child Marriage Act with regard to the legal age of marriage was brought on 19.10.2023 and 24.12.2024. The learned counsel therefore submits

that the marriage took place on 15.03.2012 and therefore a subsequent amendment of enhancing the legal age of marriage in terms of the Assam Panchayat Act and the corresponding amendment brought into the Panchayat Rules were not made retrospective and therefore cannot be applied retrospectively to the petitioner who was married well prior to the amendments being incorporated. It is submitted that when any amendment is brought to any statute or Rules unless it is specified, the same shall not operate retrospectively by default. Under such circumstances, the impugned order dated 19.12.2025 disqualifying the petitioner who was married well prior to the amendments brought in is bad in law and the same should be interfered with, set aside and quashed.

Considering the issues involved, let notice be issued, returnable in four weeks. Since Mr. M Das, learned counsel represents the respondent No. 2 and Mr. Mr. A.K Ghosh, learned counsel appears for respondents No. 1, 3, 4 & 5, notices are waived. However, extra copies be furnished within one week from today.

Steps on respondent No. 6 be taken by registered post within one week from today.

Matter be listed again on 06.03.2026.

Since the Court is presently in seisin of the matter, the post of Anchalik Panchayat Member of 74-Patamari Gaon Panchayat which was held by the petitioner shall not be filled up without the leave of the Court.

JUDGE

Comparing Assistant