

GAHC010015662026



2026:GAU-AS:2734

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

Case No. : I.A.(Civil)/386/2026

SRI HAKIMUDDIN
SON OF SRI NURUDDIN RESIDENT OF VILLAGE FERSHATORI PO
TULSIBARI PS LAKHIPUR DISTRICT GOALPARA ASSAM 783132

VERSUS

SMTI AYSHA KHATUN AND 6 ORS
WIFE OF SRI SURAT ZAMAL RESIDENT OF VILLAGE TARANGAPUR PO
TULSIBARI PS LAKHIPUR DISTRICT GOALPARA ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT OF
ASSAM PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT DISPUR
GUWAHATI 781006

3:THE ASSAM STATE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY DOWN TOWN DISPUR GUWAHATI
781006

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT PANJABARI
JURIPAR GUWAHATI ASSAM 781037

5:THE DISTRICT COMMISSIONER
GOALPARA ASSAM 783101

6:THE CHIEF EXECUTIVE OFFICER
GOALPARA ZILLA PARISHAD GOALPARA ASSAM 783101

7:THE BLOCK DEVELOPMENT OFFICER
JALESWAR DEVELOPMENT BLOCK JOLSWAR DISTRICT GOALPARA
ASSAM 783102

For the Applicant(s) : Mr. R.M. Deka, Advocate
For the Respondent(s) :Mr. J. Handique, Govt. Advocate
Mr. S. Dutta, Standing Counsel
Mr. N.H. Laskar, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 23.02.2026

Heard Mr. R.M. Deka, the learned counsel appearing on behalf of the applicant. Mr. N.H. Laskar, the learned counsel appears on behalf of the writ petitioner, Mr. S. Dutta, the learned Standing Counsel appears on behalf of the P&RD Department and Mr. J. Handique, the learned Government Advocate appears on behalf of the District Administration.

2. By this application, the applicant seeks leave to be arrayed as a party to the accompanying writ petition.

3. The applicant herein had contested the recently concluded Gaon Panchayat Election for the post of Ward Member from No. 2, Suparibhita Ward, under No. 8 Tarangapur Gaon Panchayat. The applicant was elected as Ward Member on 12.05.2025 from the said Ward. After the declaration of the results, the applicant came to learn that the petitioner was elected as Ward Member from No. 5 Sardarvita under Tarangapur Gaon Panchayat. Upon

filing various applications, the applicant came to learn that the petitioner had submitted a false affidavit stating that her marriage was solemnized on 05.01.2025 and as such, the applicant submitted a complaint on 01.07.2025 to cancel the membership of the writ petitioner.

4. The reason why the applicant wants cancellation of the nomination of the writ petitioner is spelt out in paragraph No. 17 of the instant application. As per the applicant, he is an aspirant for the post of President of the Gaon Panchayat, and the writ petitioner was elected as the President of the said Gaon Panchayat. Under such circumstances, the applicant sought that he is required to be arrayed as a party to the accompanying writ proceedings.

5. It is relevant to note that the writ petition has been filed by the petitioner challenging the order dated 09.12.2025, whereby the District Commissioner, Goalpara, had disqualified her on the ground that she was disqualified in terms of Section 111(1)(f) of the Assam Panchayat Act, 1994, read with Rule 62(4)(b) and (c) of the Assam Panchayat (Constitution) Rules, 1995 (for short, "the Rules of 1995").

6. It is the opinion of this Court that the applicant is neither a necessary nor a proper party to the instant proceedings

inasmuch as the applicant, having failed in the election to the post of President of the concerned Gaon Panchayat has taken steps for disqualification of the writ petitioner.

7. This Court also takes note of the fact that in the process of disqualification as mandated in Rule 62(4)(c) of the Rules of 1995, there is no role of the applicant. A perusal of the said Rule stipulates that upon information being received by the Secretary of the Gaon Panchayat, the same shall be placed before the Block Development Officer, who shall thereupon place the matter before the District Commissioner through the Chief Executive Officer of the Zilla Parishad.

8. It is also the opinion of this Court that once the District Commissioner had taken action on the basis of the information received, the applicant has no role to play in the challenge to the impugned order dated 09.12.2025 in the accompanying writ petition.

9. In addition to that, it is of paramount importance to note that the writ petitioner strongly opposes the applicant being arrayed as a party to the accompanying writ petition.

10. Under such circumstances, this Court is of the opinion that the applicant is neither a necessary nor a proper party and, as such, the presence of the applicant is not required for the

effective adjudication of the accompanying writ petition.

11. The Interlocutory Application accordingly stands rejected.

JUDGE

Comparing Assistant