

GAHC010017112026



2026:GAU-AS:2149

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

Case No. : WP(C)/738/2026

DILARA BEGUM LASKAR
WIFE OF MUKTAR HUSSAIN LASKAR RESIDENT OF VILLAGE-DAKSHIN
MOHANPUR PART-X, PO-DAKSHIN MOHANPUR, PS-SONAI, DISTRICT-
CACHAR ASSAM, PIN-788119

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI,
PIN-7810063

2:THE DISTRICT COMMISSIONER
CACHAR
PO PS-SILCHAR
DISTRICT- CACHAR ASSAM
PIN-788001

3:THE CHIEF EXECUTIVE OFFICER

CACHAR ZILLA PARISHAD
PO PS-SILCHAR
DISTRICT- CACHAR ASSAM
PIN788001

4:THE BLOCK DEVELOPMENT OFFICER

SONAI DEVELOPMENT BLOCK
PO PS-SONAI
DISTRICT-CACHAR ASSAM
PIN-788119

5:THE SECRETARY

128 NO SWADHIN BAZAR GAON PANCHAYAT
P.O-DAKSHIN MOHANPUR
PS-SONAI
DISTRICT-CACHAR ASSAM
PIN-78811

For the Petitioner(s) : Mr. M.K. Hussain, Advocate

For the Respondent(s) : Mr. S.S. Roy, Govt. Advocate
Mr. S. Dutta, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 13.02.2026

Heard Mr. M.K. Hussain, the learned counsel appearing on behalf of the petitioner. Mr. S.S. Roy, the learned Government Advocate appears on behalf of the District Administration and Mr. S. Dutta, the learned Standing Counsel appears on behalf of the P&RD Department.

2. The petitioner herein who was elected as a Ward Member of Ward No. 6 of 128 No. Swadhin Bazar Gram Panchayat under the Sonai Development Block, Cachar pursuant to the last Panchayat election, is aggrieved by the Speaking Order dated 10.12.2025 whereby the petitioner's membership was cancelled in exercise of powers under Section 111(2)(b) of the Assam Panchayat Act, 1994 read with Rule 62 of the Assam Panchayat

(Constitution) (Amendment) Rules, 2018.

3. It is the specific case of the petitioner that the petitioner never received any notice, and that solely on the basis of a complaint filed by a person, the petitioner was disqualified on the ground that her third son's date of birth is 23.10.2020. It is the further case of the petitioner that the petitioner's third son's date of birth is 23.02.2018, and that the birth certificate reflecting the said date was issued duly by an authority competent to do so.

4. This Court, during the course of the hearing, enquired with the learned counsel appearing on behalf of the petitioner, as to why, the petitioner did not appear in spite of the notices stated to have been issued, as recorded in the Speaking Order dated 10.12.2025.

5. The learned counsel appearing on behalf of the petitioner submitted that the petitioner did not receive any such notices, and as such, the petitioner could not appear before the authority concerned.

6. Taking into account the said, this Court is of the opinion that one further opportunity ought to be granted to the petitioner to appear before the District Commissioner, Cachar so that the dispute may be resolved inter-partes. This opinion is

based on the fact that the petitioner is an elected representative of Ward No. 6 of 128 No. Swadhin Bazar Gram Panchayat under the Sonai Development Block, Cachar.

7. Accordingly, the instant writ petition stands disposed of with the following observations and directions:

(i) The impugned Speaking Order dated 10.12.2025 is set aside and quashed on the ground that the said order was passed without hearing the petitioner.

(ii) The petitioner is directed to appear before the District Commissioner, Cachar on 18.02.2026. Upon the petitioner's appearance, the District Commissioner, Cachar shall fix a date for hearing in respect to the allegations regarding falsification of documents.

(iii) This Court further directs that upon conducting such hearing, the District Commissioner, Cachar shall pass Speaking Order as permissible under the Assam Panchayat Act, 1994 as well as the Rules framed therein.

(iv) Needless to clarify that if the petitioner does not appear before the District Commissioner, Cachar on 18.02.2026 as directed above, the District Commissioner, Cachar shall be at liberty to pass such orders as deemed fit in terms with the provisions of Assam Panchayat Act, 1994

and the Rules framed therein under without being influenced by the fact that this Court had set aside the earlier Speaking Order dated 10.12.2025.

JUDGE

Comparing Assistant