

GAHC010036302026



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

Case No. : WP(C)/1340/2026

JABED ALI
S/O LATE KASHEM ALI, VILL. DANKINAMARI, P.O. HAPACHARA, P.S.
BONGAIGAON, DIST. BONGAIGAON, ASSAM 783390

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT, ASSAM, DISPUR,
GUWAHATI 781006

2:THE DISTRICT COMMISSIONER
BONGAIGAON
P.O.- BONGAIGAON
P.S.- BONGAIGAON

DIST.- BOONGAIGAON
ASSAM
PIN- 783380

3:THE ADDITIONAL DISTRICT COMMISSIONER
MAGISTRACY BRANCH
BONGAIGAON
P.O.- BONGAIGAON
P.S.- BONGAIGAON

DIST.- BOONGAIGAON
ASSAM
PIN- 783380

4:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD

BONGAIGAON
P.O.- BONGAIGAON
P.S.- BONGAIGAON

DIST.- BOONGAIGAON
ASSAM
PIN- 783380

5:THE BLOCK DEVELOPMENT OFFICER
MANIKPUR DEVELOPMENT BLOCK
P.O.- MANIKPUR
P.S.- MANIKPUR
DISST.- BONGAIGAON
ASSAM
PIN- 783392

6:ZAKKIR HUUSSAIN
S/O- AMSER ALI

WARD MEMBER

WARD NO.9
VILLAGE- DANKINAMARI
P.O.- HAPACHARA
P.S.- BONGAIGAON

DIST.- BONGAIGAON
ASSAM
PIN- 78339

Advocate for the Petitioner : MR. S AHMED, MR M RAHMAN,T UDDIN

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

09.03.2026

Heard Mr. S. Ahmed, learned counsel for the petitioner; Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development Department for the respondent nos. 1, 4 & 5; Mr.

S.R. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

The petitioner contested in the election for Ward Member from Ward no. 9 Dankinamari Ward under no. 15 Chouraguri Gaon Panchayat, Bongaigaon in the last Panchayat General Election in May, 2025 wherein the respondent no. 6 was a contestant. Upon declaration of results, the respondent no. 6 was declared elected as a Ward Member from no. 9 Dankinamari Ward. After his election as Gaon Panchayat Ward Member, a child was born to him on 13.08.2025. According to the petitioner, such birth of child has made the respondent no. 6 ineligible to continue as Ward Member of the Gaon Panchayat Ward Member in terms of Rule 62[1][b] of the Assam Panchayat [Constitution] Rules, 1995 read with Section 111[2] of the Assam Panchayat Act, 1994, as amended. In order to initiate proceeding for removal of the respondent no. 6, the petitioner had submitted a complaint before the Secretary, no. 15 Chouraguri Gaon Panchayat on 20.01.2026. Aggrieved by alleged inaction on the part of the respondent authorities, more particularly, Secretary, no. 15 Chouraguri Gaon Panchayat to act on the complaint, the petitioner is before this Court by the instant writ petition.

At this stage, Mr. Ahmed, learned counsel for the petitioner has sought permission to file pleadings for impleadment of the necessary party.

The prayer is allowed.

List the case on 20.03.2026.

JUDGE

Comparing Assistant