

GAHC010095012026



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

Case No. : WP(C)/2606/2026

ABDUL MAZID MIAH
SON OF- LATE ASKAR ALI.
VILLAGE-DIGHALTARI, P.O-DIGHALTARI P.S-GOLAKGANJ, DISTRICT-
DHUBRI, ASSAM, PIN-783335

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI, PIN-781006

2:THE DISTRICT COMMISSIONER
DHUBRI
P.O AND P.S-DHUBRI
DISTRICT-DHUBRI
ASSAM
PIN-783301

3:THE CHIEF EXECUTIVE OFFICER
DHUBRI ZILLA PARISHAD
P.O AND PS-DHUBRI
DIST.- DHUBRI
ASSAM
PIN-783301

4:THE EXECUTIVE OFFICER
BALAJAN ANCHALIK PANCHAYAT
P.O-BALAJAN
P.S-GOLAKGANJ
DIST.-DHUBRI ASSAM
PIN-783331

5:THE SECRETARY
107 NO SONAKHULI GAON PANCHAYAT
P.O-SONAKHULI
P.S-GOLAKGANJ
DISTRICT-DHUBRI
ASSAM
PIN-783335

6:ANJUMA KHATUN
(MEMBER
WARD NO.03 OF 107 NO SONAKHULI GAON PANCHAYAT) WIFE OF
MAHIJUR RAHMAN VILLAGE-DIGHALTARI
PO-DIGHALTARI PS-GOLAKGANJ
DISTRICT-DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MR. M K HUSSAIN, MR. M ALOM,MS. F H AHMED,MRS. S Y AHMED

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --22.05.2026

Heard Mr. M.K. Hussain, learned counsel for the petitioner; Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development Department for the respondent no. 1, 3, 4 & 5; and Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent no. 2.

2. The petitioner is a voter of Sonakhuli Gaon Panchayat, District – Dhubri. In the Panchayat General Election held in 2025, the respondent no. 6 got elected as a Ward Member from Ward no. 3 of Sonakhuli Gaon Panchayat. As per Clause [f] of sub-section [2] of Section 111 of the Assam Panchayat Act, 1994, as amended, no person shall be elected or co-opted and remain as Member of a Gaon Panchayat who either by himself or herself or his or her spouse has violated the legal age of marriage under Prohibition of Child Marriage Act, 2006.

According to the petitioner, the respondent no. 6 has incurred the wrath of disqualification under Section 111[2][f] of the Assam Panchayat Act, 1994. The petitioner submitted an Representation before the respondent no. 5 on 03.12.2025 under Rule 64[2][c] of the Assam Panchayat [Constitution] Rules, 1995, as amended, read with Section 111[2][f] of the Assam Panchayat Act, 1994 for removal of the respondent no. 6 from the post of Ward Member of Sonakhuli Gaon Panchayat. As the said Representation dated 03.12.2025 has not been acted upon by the respondent State authorities, the petitioner is before this Court by the instant writ petition.

3. Issue notice, returnable on 16.06.2026.

4. Mr. Dutta, learned Standing Counsel, Panchayat & Rural Development Department has appeared and accepted notices for the respondent no. 1, 3, 4 & 5; and Mr. Handique, learned Junior Government Advocate, Assam has appeared and accepted notice for the respondent no. 2, formal notices need not be issued to the said respondents. Mr. Hussain, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Mr. Dutta and Mr. Handique, within 2 [two] working days from today.

5. The petitioner shall take steps for service of notice upon the respondent no. 6 by speed post, within 2 [two] working days from today.

JUDGE

Comparing Assistant