



GAHC010118732015



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

Case No. : WP(C) 4242/2015

1:RIMAL AMSIH
S/O GIREN AMSIH, R/O NAKHOLA, JAGIROAD, P.O. and P.S. JAGIROAD,
DIST- MORIGAON, ASSAM

VERSUS

1:THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, WPT
and BC DEPTT., GHY-6

2:PRINCIPAL SECY.
TIWA AUTONOMOUS COUNCIL
MORIGAON ASSAM

3:THE ASSAM STATE ELECTION COMMISSION
REP. BY THE STATE ELECTION COMMISSIONER
HOUSEFED COMPLEX
DISPUR GHY-

Advocate for the Petitioner : MR.I KALITA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 25-05-2018

Heard Mr. P.N. Goswami, learned counsel for the petitioner. I have also heard Mr. D. Saikia, learned Senior Additional Advocate General, Assam assisted by Mr. D. Doley, learned



Government Advocate, Assam, appearing for respondent no. 1. Mr. N. Borah, learned Standing Counsel, Assam State Election Commission, appears for respondent no. 3. None appears for respondent no. 2.

By filing this writ petition, the petitioner has sought for a direction upon the authorities to constitute the Village Council as per the mandate of Section 4(i) of the Tiwa Autonomous Council Act, 1995.

Taking note of the inadequate affidavit filed on behalf of the respondent authorities, this Court had passed an order dated 07/09/2017 directing the Deputy Secretary to the Government of Assam, WPT & BC Department to file a detail affidavit. But despite the order of this Court, no such affidavit has been brought on record till today.

Under the circumstances, this Court is not in a position to take a concrete view in the matter. On the request of Mr. Saikia, two weeks further time is granted to the State authorities to file affidavit clarifying their stand in the matter.

List this case again on 13/06/2018 by showing the name of Mr. D. Saikia, learned Senior AAG, Assam as the counsel for respondent no.1.

Extra copy of the writ petition be served upon Mr. Doley, learned Government Advocate, Assam.

JUDGE

Sukhamay

Comparing Assistant