



GAHC010118732015



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

Case No. : WP(C)/4242/2015

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

VERSUS

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 SOUMITRA SAIKIA**

ORDER

Date : 29.04.2022

Mr. K. P. Pathak, learned counsel appears for the petitioner and Mr. R. Dhar, learned Standing Counsel for the WPT and BC Department.

2. This writ petition has been filed by the petitioner seeking a direction from this Court for constitution of a Village Council as mandated under Section 4 of Tiwa Autonomous Council Act, 1995.

3. Mr. K. P. Pathak, learned counsel appearing for the petitioner submits that although the Tiwa Autonomous Council Act was legislated in the year 1995 and earlier this Act was called as Lalung Autonomous Council Act. Subsequently by an amendment brought in the year 2001 the words "Lalung" was substituted by the word "Tiwa".

4. Mr. Pathak, learned counsel for the petitioner submits that the provisions of Section 4 of the constitution of Village Council had never been carried out. Although as required under Section 5 and 6 the General Council has been constituted from time to time by the Government. However, no Village Council has ever been created and no explanation whatsoever has been furnished to the petitioner on the various representations made to the Government.



5. The petitioner is a Member of the Tiwa Community and is interested in the welfare of the Tiwa Community as mandated under Section 4 of Tiwa Autonomous Council Act, 1995.
6. Mr. R. Dhar, learned Government Advocate appearing for the respondents referring to the counter filed by the Government submits that the delimitation exercise required to be carried out to identify Tribal population blocks in terms of the mandate of the Act. The said process is underway and thereafter the steps for constitution of Village Council will be resorted to. Mr. R. Dhar, learned counsel, however, seeks a short date to obtain the required instructions as to the status of the process initiated for the delimitation exercise.
7. Considering the issues involved, purely in the interest of justice we permit Mr. Dhar, learned counsel 2 (two) weeks time to obtain the required instructions and place it before the Court.
8. Liberty is also granted to the petitioner to file their reply to the counter affidavit filed by the Government if so desired.
9. List this matter again on 18.05.2022.

JUDGE