



GAHC010118732015



2021:GAU-AS:15092

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, MR.P N GOSWAMI

Advocate for the Respondent : GA, ASSAM, MR R DHAR(SC, Tribal Affairs),SC, TAC,SC, S E
C,MR. D SAIKIA(SAAG,R-1)



BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 17.02.2026

Heard Mr. D Gogoi, learned counsel for the petitioners. Also heard Mr. R Dhar, learned standing counsel, Department of Tribal Affairs, Assam appearing for respondent No. 1 and Ms. M.P Kayastha, learned counsel appearing for respondent No. 3.

2. The petitioners, in the present proceedings, has raised a grievance, with regard to the non-holding of elections to constitute the Village Councils, under the Tiwa Autonomous Council, in terms of the provisions of the Tiwa Autonomous Council Act, 1995.

3. The petitioners have contended that in terms of the provisions of Section 4 of the Tiwa Autonomous Council Act, 1995, (hereinafter, referred to as the Act of 1995), there is a requirement for constitution of Village Council for each block of villages as may be notified by the government under sub-section (1) Section 3 consisting, approximately, 6000 to 8000 persons belonging to scheduled tribes. Further, it is submitted that in terms of sub-section (2) Section 4 of the Act of 1995, the number of Village Councils, required to be so constituted, shall be as specified by the Government by way of a notification published in the official gazette. The petitioners, in the present proceeding, have urged non-compliance with the provisions of the Act of 1995.

4. Mr. R Dhar, learned standing counsel, Department of Tribal Affairs, Assam, appearing for respondent No. 1, has submitted that the provisions of Section 4 of the Act of 1995 was amended vide the Tiwa



Autonomous Council (Amendment) Act, 2024 and in the Principal Act, the provisions of Section 4, as it existed, stood omitted. Mr. R Dhar, learned standing counsel submits that with the omission of the provisions of Section 4 from the principal Act, there would be now no requirement for constitution of Village Councils.

5. Mr. D Gogoi, learned counsel for the petitioner fairly submits that the provisions of the Tiwa Autonomous Council Act, 1995, having been so amended vide the Tiwa Autonomous Council (Amendment) Act, 2024 and the provisions of Section 4 being omitted, there would be no requirement for constituting Village Councils, as on date, and submits that the relief, as sought for in the present Writ Petition, has been rendered infructuous. Accordingly, he prays that the present Writ Petition would not mandate a consideration on merits.

6. In view of the submissions of the learned counsel for the parties, as well as on perusal of the provisions of the Tiwa Autonomous Council (Amendment) Act, 2024, omitting the provisions of Section 4 in the Principal Act of 1995, there being now no existence of a Village Council within the Tiwa Autonomous Council area, this Court is of the considered view that no live issue arises for consideration in the present Writ Petition and accordingly, the same is not needed to be further detained for adjudication.

7. In view of the above developments taking place, the reliefs sought for in the present Writ Petition, in the considered view of this Court, has been rendered infructuous and accordingly, the Writ Petition stands dismissed on being rendered infructuous.



JUDGE

Comparing Assistant