

GAHC010180582025



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

Case No. : WP(C)/4617/2025

SMTI MERZUNA BEGUM
W/O- MIRAJUL HOQUE, R/O- VILL- PATAKATA, P.S. -SOUTH SALMARA,
DIST- SOUTH SALAMARA-MANKACHAR, ASSAM-PIN- 783127.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR,GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE SECRETARY
ASSAM STATE ELECTION COMMISSION
PANJABARI
GUWAHATI-37.

4:DISTRICT COMMISSIONER
SOUTH SALMARA- MANKACHAR
HATSINGIMARI P.O AND P.S-HATSINGIMARI
DIST- SOUTH SALMARA MANKACHAR
ASSAM-783135.

5:TANZINA KHAN
W/O- NEKIBUL HUSAIN KHAN
R/O- VILL- JHALORCHAR
P.S-MANKACHAR
DIST- SOUTH SALAMARA-MANKACHAR
ASSAM

PIN- 783131.

6:WAHEDUR RAHMAN
S/O- LATE SOFIUR RAHMAN
R/O- VILL- FEKAMARI
P.O-FEKAMARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSA

Advocate for the Petitioner : MR. D DAS SR. ADV, MR. A Z AHMED,MR. K MOHAMMED

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
ORDER

13.08.2025

Heard Shri D. Das, learned Senior Counsel assisted by Shri K. Mohammad, learned counsel for the petitioner.

2. The grievance of the petitioner is with regard to the election of the President of the South Salmara Mankachar Zilla Parishad. It is the case of the petitioner that out of the 4 constituencies, 3 elected candidates belong to the Congress Party and one independent. There was a party whip was issued on 02.08.2025 for voting in favour of the selected candidate of the party, namely, the petitioner. It was also clarified that in the event of violation of the whip, the consequences of Section 111(3)(i)(c) of the Assam Panchayat Act, 1994 would be taken resort to. However, the party whip was violated and the petitioner had applied for taking action under the aforesaid provision of law for disqualification on the ground of ant defection. As no action has been taken the instant writ petition has been filed.

3. Let notice be issued, returnable on 15.09.2025.

4. Shri S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department accepts notice on behalf of the respondent nos. 1 & 2 whereas Shri R. Dubey, learned Standing Counsel, ASEC accepts notice on behalf of the respondent no. 3 and Shri H. Sarma, learned Additional Senior Government Advocate accepts notice on behalf of the respondent no. 4. Extra copies of the writ petition be served upon the learned counsel for the respondents within two working days.
5. Petitioner to take steps for service of notice upon the respondent nos. 5 & 6 by registered post with A/D. Steps within two working days.
6. Shri Das, learned Senior Counsel prays for an interim order. He has submitted that though the respondent no. 5 has been elected to the post of President, the charge has not been taken over.
7. After considering, it is provided that any action taken by the respondent no. 5 as the President would be subject to further orders that may be passed in this writ petition.
8. The aforesaid order would however be reconsidered as the same has been passed at the motion stage.
9. List this case on 15.09.2025.
10. On the next date, the learned State Counsel is also required to apprise this Court regarding the steps taken on the aspect of anti defection.

JUDGE

Comparing Assistant