

GAHC010283952025



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

Case No. : WP(C)/7351/2025

AYSHA KHATUN
W/O.- SURUT ZAMAL, VILL.- TARANGAPUR, P.O. TULSHIBARI, P.S.
LAKHIPUR, DIST- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE ADDITIONALCHIEF SECRETARY TO THE GOVT. OF
ASSAM, PANCHAYAT RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE ASSAM STATE ELECTION COMMISSION

REPRESENTED BY ITS SECRETARY
DOWN TOWN
DISPUR
GUWAHATI-06.

3:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
JURIPAR
GUWAHATI- 37.

4:THE DISTRICT COMMISSIONER

GOALPARA
ASSAM
PIN- 783101.

5:THE CHIEF EXECUTIVE OFFICER

GOALPARA ZILLA PARISHAD
GOALPARA
ASSAM
PIN -783101.

6:THE BLOCK DEVELOPMENT OFFICER
JOLESWAR DEVELOPMENT BLOCK
JOLESWAR
DIST- GOALPARA
ASSAM
PIN- 783132

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. A H M R CHOUDHURY,MR. N H LASKAR,H YEASMIN

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

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 18.12.2025

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. N. H. Laskar, learned counsel for the petitioner.

2. Challenge made in this writ petition is to the order dated 09.12.2025, passed by the District Commissioner, Goalpara, whereby the petitioner has been removed as Ward Member from 5 No. Sardarvita Tarangapur GP Ward Constituency under 8 No. Tarangapur Gaon Panchayat of Jaleswar Anchalik Panchayat in terms of Section 111 (1) of Assam Panchayat Election Act, 1994 (as amended) and Rules 62 (4) (b) and (c) of Assam Panchayat (Constitution) Amended Rules, 1995.

3. Mr. Choudhury, learned Senior Counsel for the petitioner, submits that the petitioner's date of birth is 03.01.1996 and she married on 05.01.2015 after attaining the age of majority. He submits that the impugned order has been passed by the District Commissioner without affording any opportunity of hearing to the petitioner that too on the basis of a complaint lodged by one Shri Hakim Uddin alleging child marriage. Therefore, he submits that the impugned order has been passed in violation of the principle of natural justice and also based on factually incorrect materials.

4. Issue notice, returnable by 4 (four) weeks.

5. As Mr. S. Dutta, learned Standing Counsel, P&RD, for respondent Nos. 1, 3, 5 & 6; Mr. R. Dubey, learned Standing Counsel, State Election Commission for the respondent No. 2; and Mr. S. S. Roy, learned State Counsel for the respondent No. 4, enters appearances and accepts notices on behalf of all the respondents, no formal notice need be issued. However, they shall be furnished with requisite extra-copies of the petition.

6. Heard on the interim prayer.

7. The documents placed on record by the petitioner, particularly the High School Leaving Certificate, indicates that her date of birth is 01.03.1996 and as per the translated Kabilnama, the petitioner was married on 05.01.2015, which, *prima facie*, shows that she had married after attaining the age of majority. It also *prima facie* indicates that no opportunity of hearing was provided to the

petitioner before the impugned order was passed by the District Commissioner removing the petitioner as Ward Member from 5 No. Sardarvita Tarangapur GP Ward Constituency under 8 No. Tarangapur Gaon Panchayat of Jaleswar Anchalik Panchayat. Considering above, I am of the considered view that petitioner has made out a case for grant of interim relief.

8. Accordingly, till the returnable date, the order dated 09.12.2025, passed by the District Commissioner, Goalpara, shall remain suspended.

9. List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant