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

Case No. : WP(C)/565/2026

KALAM UDDIN
SON OF SAIYAB ALI
VILL- LOHARPARA,P.O. NILAMBAZAR, P.S. NILAMBAZAR, DIST.
SRIBHUMI, PIN-788722.

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE THE PRINCIPAL SECRETARY TO GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,DISPUR,
GUWAHATI-6.

2:THE ASSAM STATE ELECTION COMMISSION

TO BE REPRESENTED BY THE SECRETARY
ASSAM STATE ELECTION COMMISSIONER
PANJABARI
GUWAHATI- 37.

3:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT
JURIPAR
PANJABARI
GUWAHATI-37.

4:THE DISTRICT COMMISSIONER

SRIIBHUMI
PO.
P.S. AND DIST. SRIBHUMI
PIN- 788710

5:THE CHIEF EXECUTIVE OFFICER

KARIMGANJ ZILLA PARISHAD
SRIBHUMI
P.O.
P.S. AND DIST. SRIBHUMI
PIN- 788710

6:THE BLOCK DEVELOPMENT OFFICER

NILAMBAZAR DEVELOPMENT BLOCK
NILAMBAZAR
P.O. AND P.S. NILAMBAZAR
DIST. SRIBHUMI
PIN-788722.

7:THE SECRETARY

BAHADURPUR
GAON PANCHAYAT
P.O. AND P.S. NILAMBAZAR
DIST. SRIBHUMI
PIN-788713

8:SMT. SANIA SULTANA
D/O DEBUL HUSSAIN
VILL- VILL- LOHARPARA
PART-II
P.O. AND P.S. NILAMBAZAR
DIST. SRIBHUMI
PIN-78872

Advocate for the Petitioner : MR. R A CHOUDHURY, MR. R A MAZUMDER

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.02.2026

Heard Shri R. A. Choudhury, learned counsel for the petitioner. Also heard Shri N. Das, learned State Counsel, Shri S. Dutta, learned Standing Counsel,

P&RD and Shri R. Dubey, learned Standing Counsel, Assam State Election Commission.

2. As per the facts projected, the petitioner is a voter of Ward No. 1 of Bahadurpur Gaon Panchayat situated in the district of Sribhumi. It is contended that the respondent no. 8 who had contested the elections is not having requisite qualification. Accordingly, the petitioner had submitted a representation on 20.05.2025 alleging violation of Section 111 of the ***Assam Panchayat Act, 1994***. As no steps were taken to redress the grievance, the instant writ petition has been filed.

3. The learned counsel for the petitioner has submitted that the petitioner being a voter of the concerned Ward, his representation ought to have been considered.

4. On the other hand, both Shri N. Das, the learned State counsel and Shri S. Dutta, learned Standing Counsel have raised a preliminary objection questioning the locus of the petitioner.

5. It is submitted that the petitioner was not a contesting candidate and is only a voter and therefore he cannot be deemed to be an aggrieved party. They have also placed before this Court an order dated 11.02.2026 passed by a Coordinate Bench in WP(C)/694/2026, in which this Court, by relying upon Section 129 of the Act had dismissed the petition in which a similar challenge was instituted.

6. The aforesaid judgment has been duly perused and this Court is in agreement with the same on principle. Further, though the aforesaid writ petition has been dismissed primarily in view of the provisions of law containing in Section 129 of the Act, this Court is also of the view that a procedure has

been laid down in Section 111 of the Act read with Rule 62 of the ***Assam Panchayat (Constitution) Rules, 1995*** for dealing with a situation of the present nature. Apparently, mere filing of a representation cannot be deemed to have fulfilled the aforesaid mandatory provisions.

7. In that view of the matter, this Court is of the opinion that the writ petition lacks merit and accordingly, the same is dismissed.

JUDGE

Comparing Assistant