

GAHC040000292026



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

Case No. : WP(C)/11/2026

Sennya Dini
Son of Shri Marsen Dini, resident of Village magi, Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
represented by Commissioner/ Chief Secretary, Panchayat Raj Department, Govt of
Arunachal Pradesh, Itanagar. 2:The State Election Commission Arunachal Pradesh
Age: 0
Occupation :
represented by its Commissioner
C Sector
Itanagar
Arunachal Pradesh.

3:The Deputy Commissioner
Age: 0
Occupation :
Lower Subansiri District
Arunachal Pradesh.

4:The Member Secretary / Returning Officer (PR)
Age: 0
Occupation :
9 Likabali ZP Constituency
Lower Siang District
Arunachal Pradesh.

5:The Member Secretary
Age: 0
Occupation :
9/5/5- Magi -II Gram Panchayat Constituency
Lower Siang District

Arunachal Pradesh.

6:Moba Taipodia

Age: 0

Occupation :

District President

Bharatiya Janata Party

Lower Siang District

Arunachal Pradesh

Advocate for the Petitioner : Teto Taba, Punung Borang, Nimcha Hondique, Nang walika Jenow, C Ering, Begi Taba

Advocate for the Respondent : GA (AP), S/C State Election Commission, Nani Anju

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : --09.01.2026

1. Learned counsel Mr. N. Deka and Mr. T. Taba have appeared for the petitioner, Sennya Dini, who is aggrieved by the impugned Order No. MS-9-LKB-2026-30/558 dated 06.01.2026, whereby the petitioner was disqualified as a Member of the Gram Panchayat of 9/5-Siji/Magi/Kane Gram Panchayat Constituency in the district of Lower Siang, Arunachal Pradesh, on the ground of alleged anti-party activities.

2. It is submitted on behalf of the petitioner that the disqualification has been made under the provisions of Section 3(1) (a)& (b) of the Arunachal Pradesh Local Authorities (Prohibition of Defection) Act, 2003, read with clause (c) inserted by the Arunachal Pradesh Local Authorities (Prohibition of Defection)

(Amendment) Ordinance, 2025, issued vide notification dated 28.10.2025 and published in the Extraordinary Gazette.

3. It is submitted that the question of defection does not arise at all, and therefore, the impugned order is not sustainable in the eye of law.

4. It is submitted that, vide a decision of the BJP dated 28.12.2025, the petitioner has already been expelled from the party, and therefore, the question of defection does not arise at all.

5. Learned Government Advocate for respondents Nos. 1 and 3, Ms. P. Pangu, has raised a serious objection, submitting that the prayer for stay of the impugned order is not maintainable, as the petitioner had earlier applied to the Bhartiya Janata Party to be released from party membership. Annexure-6 to the petition clearly reflects the petitioner's contemplation of shifting to another party.

6. I have considered the submissions at the Bar with circumspection. It is submitted that the petitioner has only one day to submit his nomination papers and to participate, either as a voter or as a member of the Gram Panchayat, in the elections of the Chairperson of the Gram Panchayat to be held on 10.01.2026 (Annexure-2).

7. Considering all aspects, the disqualification order passed by the Deputy

Commissioner, Lower Siang District, Likabali, insofar as the petitioner is concerned, shall be stayed till the next date of listing. The petitioner's entire case will however be subject to the outcome of this writ petition.

8. Ms. N. Anju, learned Standing Counsel is present for the respondents No. 2 & 4.

9. Notices to be issued.

10. Extra copies be furnished.

11. List this matter on 20.01.2026.

JUDGE

Comparing Assistant