

GAHC040010272024



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

**Case No. : WP(C)/330/2024**

Tania Lida and 5 Ors  
GPM,  
Tani Tator III Segment,  
son of Shri Tate Lida,  
resident of Village Old Lida,  
Circle Gusar,  
PO Gusar,  
PS Dumporijo,  
Upper Subansiri District,  
Arunachal Pradesh

2: Tapa Lida  
Age:  
Occupation :  
GPM  
Tani Tator II Segment  
resident of Village Old Lida  
Circle Gusar  
PO Gusar  
PS Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

3: Pejum Bui  
Age:  
Occupation :  
GPC  
Tani Tator V Segment  
resident of Village Bui  
Circle Gusar  
PO Gusar  
PS Dumporijo  
Upper Subansiri District

Arunachal Pradesh

4: Smti Anju Lida

Age:

Occupation :

GPC

Tani Tator II Rete Segment

resident of Village New Lida

Circle Gusar

PO Gusar

PS Dumporijo

Upper Subansiri District

Arunachal Pradesh

5: Tape Bulu

Age:

Occupation :

GPC

Tani Tator VI(9) Bulu Segment II

resident of Village Bulu

Circle Gusar

PO Gusar

PS Dumporijo

Upper Subansiri District

Arunachal Pradesh

6: Tabu Debom

Age:

Occupation :

Village Debom

Circle Gusar

PO Gusar

PS Dumporijo

Upper Subansiri District

Arunachal Pradesh

VERSUS

The Deputy Commissioner and 16 Ors

Daporijo, Upper Subansiri District, Arunachal Pradesh

2: The Member Secretary

Age: 0

Occupation :

9 Gusar Zila Parisahd Constituency

Circle Gusar

Upper Subansiri District

Arunachal Pradesh

3:Bharatiya Janata Party

Arunachal Pradesh

Age: 0

Occupation :

C/o BJP Office Opposite to NE Homeopathy College

Itanagar

Vivek Vihar

PO and PS Itanagar

Papumpare District

Arunachal Pradesh

4:Rode Bui

Age: 0

Occupation :

MLA 26 Dumporijo Legislative Assembly (ST) Dumporijo

Upper Subansiri District

Arunachal Pradesh

5:Jeli Jeram

Age: 0

Occupation :

District President

BJP Upper Subansiri District

Arunachal Pradesh

6:Smti Yani bulo (GPM)

Age: 0

Occupation :

Segment Tani Tator VI

Dumporijo

Upper Subansiri District

Arunachal Pradesh

7:Jumli Bui

GPM

Age: 0

Occupation :

Segment Tani Tator V

Dumporijo

Upper Subansiri District

Arunachal Pradesh

8:Dengam Lida

GPM

Age: 0

Occupation :

Segment Tani Tator II

Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

9:Smti Yasuk Dera  
GPM  
Age: 0  
Occupation :  
Segment Tani Tator X  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

10:Taram Param  
GPM  
Age: 0  
Occupation :  
Segment Topo Heche VII  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

11:Nanu Marde  
GPM  
Age: 0  
Occupation :  
Segment Tope Heche II  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

12:Smti Yali Hane  
GPM  
Age: 0  
Occupation :  
Segment Tope Heche VI  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

13:Smti Yatu Nalo  
GPM  
Age: 0  
Occupation :  
Segment Tapi Luchi 17/4  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

14:Kargo Doni  
GPM  
Age: 0  
Occupation :  
Segment Tode/Dula  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

15:Tayi Doyom  
GPM  
Age: 0  
Occupation :  
Segment Tasi Doni VIII  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

16:Tapa Gongo  
GPM  
Age: 0  
Occupation :  
Segment Gonog-I  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

17:Minyum Taji  
GPM  
Age: 0  
Occupation :  
Segment Rite Korarijo III  
Dumporijo  
Upper Subansiri District  
Arunachal Pradesh

**Advocate for the Petitioner** : Dugmar Kamduk

**Advocate for the Respondent** : GA (AP)

**BEFORE  
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**Date : 16.08.2024**

Heard Mr. D. Kamduk, learned counsel for the petitioners.

The present application is filed assailing the summon issued to the petitioners, who are Members/Chairpersons of **09-Gusar, Zila Parishad Constituency**, by the Deputy Commissioner, in exercise of power under 31(A) read with Section 6 (2) of Arunachal Pradesh Local Authorities (Prohibition of Defection) Act, 2003 asking the petitioners to justify, why disqualification proceeding should not be initiated against them on the basis of complaints lodged by the political party, on whose ticket the petitioners got elected as Members/Chairpersons. The second challenge is an order, whereby the petitioners were expelled from the political party, on whose ticket they were elected. The further challenge is an order of the Local MLA of 26-Dumporijo Legislative ST Assembly Constituency whereby, the Local MLA allowed some other elected persons to function as Chairman in-charge in respect of their Zila Parishad Segment for the reason that the petitioners are expelled from their party.

So far relating to the first challenge, this Court is of the *prima facie* view that the writ petition is premature inasmuch as the petitioners shall have due protection under the Act of 2003 to file show cause reply. Coming to the second challenge, this Court is of the *prima facie* view that it is a dispute between the members of a political party and such dispute cannot be entertained in exercise of power of this Court under Article 226 of the Constitution of India. So far,

coming to the third challenge i.e. the order of the MLA, there is no provision under the Act of 2003 empowering the Local MLA to appoint in-charge Chairman/Members. This Court is also of the *prima facie* view that until and unless disqualification process is completed, the Local MLA shall have no such jurisdiction to replace the petitioners from the position as they have acquired through an Election.

This matter needs further consideration. Accordingly, let a notice be issued, returnable after 3 (three) weeks.

As Ms. P. Pangu, learned State counsel accepts notice on behalf of respondent No. 1 no formal notice needs be issued. However, requisite extra copies of the writ petition be furnish to the learned State counsel during the course of the day

Petitioners shall take steps for service of notice upon the private respondents through registered post with A/D was well as by usual process.

Liberty is also granted to the petitioners to effect service of notice upon the private respondents through *Dasti* mode, however, same shall be routed through the Registry of this Court and petitioners shall file an affidavit in proof of effecting of such service.

Considering the matter in entirety, it is provided that the orders dated 19.06.2024 and 25.06.2024, issued by the respondent No. 4 i.e. the Local MLA, shall not be given effect to.

**JUDGE**

**Comparing Assistant**