



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

Case No. : WP(C) 11/2023

1:SHRI. IMTINUNGSANG AND 3 ORS
SON OF TOUPONGMEYU, PERMANENT RESIDENT OF HOUSE
NO. 37, ALICHEN URBAN STATION, MOKOKCHUNG NAGALAND,
ENROLLED AT SL. NO. 205, PART NO. 6 FOR THE 28TH
KORIDANG (ST) ASSEMBLY CONSTITUENCY NAGALAND

2: SHRI. WATICHINA
SON OF LATE MOABA
PERMANENT RESIDENT OF LONGKHUM VILLAGE

MOKOKCHUNG NAGALAND
ENROLLED AS AN ELECTOR UNDER 28TH KORIDANG (ST)
ASSEMBLY CONSTITUENCY NAGALAND

3: SHRI. IMKONG L. IMCHEN
SON OF LATE LONGRISANGBA IMCHEN
A RESIDENT OF H.NO. 183-B
MANGMETONG VILLAGE
MOKOKCHUNG. BJP CANDIDATE FROM 28TH KORIDANG A/C FOR
THE UPCOMING 14TH NAGALAND LEGISLATIVE ASSEMBLY
ELECTION. 2023

4: SHRI. M. WABANGTEMJEN
S/O MEDEM AO
PERMANENT RESIDENT OF H.NO. 64
ONGPANGKONG COMPOUND
KHENSA VILLAGE
MOKOKCHUNG
ENROLLED AT SL. NO. 155
UNDER PART 1
FOR 28TH KORIDANG (ST) ASSEMBLY CONSTITUENCY
NAGALAN

VERSUS

1:THE STATE OF NAGALAND AND 5 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER
NAGALAND KOHIMA

3:THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

4:THE LONGKHUM VILLAGE COUNCIL
THROUGH ITS CHAIRMAN
MOKOKCHUNG NAGALAND

5:THE ALICHEN TOWN COUNCIL/ALICHEN
URBAN STATION COMMITTEE
MOKOKCHUNG DISTRICT
NAGALAND
THROUGH ITS CHAIRMAN/VICE CHAIRMAN

6:SHRI. I TALITSUBA IMCHEN
S/O LATE IMKONGMEREN
R/O H.NO. 310-A
LONGKHUM VILLAGE
MOKOKCHUNG NAGALAND

Advocate for the Petitioner : MOA JAMIR

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

Date : 20-02-2023

Heard Mr. Moa Jamir, the learned counsel for the petitioner, Ms. Supong Chang, the learned Government Advocate also heard Mr.

Sentiyanger, the learned counsel for respondent Nos. 4, 5 and 6.

The instant writ petition was filed challenging the resolution dated 28.06.2022 issued by the Longkhum Chungli, Mongsen Youth, the resolution dated 17.09.2022 issued by the Alichen Youth and the resolution dated 22.10.2022 passed by Alichen Council . All the resolutions were passed in support of an intending candidate in the forthcoming Nagaland Legislative Assembly Elections in regard to 28 Koridang Assembly Constituency. By the order dated 14.02.2023 passed by this Court, the Deputy Commissioner, Mokokchung was directed to make an enquiry as to whether the impugned resolutions were still in operation and if so to take necessary action against the organizations/groups responsible for adopting the impugned resolutions as per law. It was further directed that the Deputy Commissioner, Mokokchung shall furnish the action taken report positively before this Court on 21.02.2023.

Today, when the matter is listed, Ms. Supong Chang has placed a copy of the letter dated 18.02.2023, written by the Deputy Commissioner, Mokokchung to the Government Advocate, Gauhati High Court, Kohima Bench enclosing the order dated 15.02.2023 issued by the Deputy Commissioner, Mokokchung declaring the three impugned resolutions as null and void and also directing the Chairman, Longkhum Village Council and Chairman/Vice-Chairman Alichen Town Council/ Alichen Urban Station Committee to appear before the Deputy Commissioner on or before 17.02.2023, with a written submission as to why action should not be taken against them as per law. Consequent to the order dated 15.02.2023 passed by the Deputy Commissioner, Mokokchung, the Vice-Chairman,

Alichen Council and others have submitted the letter dated 17-02-2023 to the Deputy Commissioner, Mokokchung withdrawing all the three impugned resolutions.

Mr. Sentianger, the learned counsel representing the respondent Nos. 4, 5 and 6 has also taken this Court to the affidavit filed by the said respondents and bringing to the notice of this Court, the decision taken by the Longkhum Youth & Longkhum Chungli, Mongsen Clans dated 14.02.2023, Alichen Youth dated 13.02.2023 and Alichen Executive Committee dated 13.02.2023, all of which relates to the withdrawal of the impugned resolutions adopted by the respondent Nos. 4, 5 and 6, which is under challenge in the present writ petition.

Mr. Moa Jamir, the learned counsel for the petitioner submits that in view of the various resolutions adopted by the respondent Nos. 4, 5 and 6 withdrawing the impugned resolutions dated 28.06.2022, 17.09.2022 and 22.10.2022 and in view of the order dated 15.02.2023 passed by the Deputy Commissioner, Mokokchung and the letter dated 17.02.2023 submitted by the Alichen Council to the Deputy Commissioner, Mokokchung withdrawing the impugned resolutions, the writ petition may be closed but with a strict observation to the respondent Nos. 4, 5 and 6 not to adopt such resolutions in future which infringes the rights of the citizens to a free and fair election.

In view of the submissions made by the parties and on perusal of the order dated 15.02.2023 passed by the Deputy Commissioner, Mokokchung as well as the affidavit filed by the respondent Nos. 4,

5 and 6 withdrawing the impugned resolutions, this Court is of the view that it will be pointless to keep the writ petition alive. This Court therefore deems it proper to close the writ petition with a direction that in future and till the election process of the ensuing Assembly elections are over, the respondent Nos. 4, 5 and 6 shall not resort to such actions or adopt any resolution which is against the law and which would obstruct free and fair elections.

The writ petition accordingly stands disposed.

Sd/-
JUDGE

Comparing Assistant