

**HIGH COURT OF TRIPURA
AGARTALA**

Cont. Cas(C) No. 115 of 2023

Sri Rajesh Debbarma and another
..... Petitioner (s)

V E R S U S

Sri Saradindu Chaudhuri, IAS (Retd.) and others
..... Respondent(s)

For Petitioner (s)	:	Mr. Anthony Debbarma, Advocate, Mr. Bhaskar Debbarma, Advocate.
For Respondent(s)	:	Mr. S.S. Dey, Sr. Advocate, Mr. D. Bhattacharya, Sr. Advocate, Ms. Ayantika Chakraborty, Advocate, Mr. S. Saha, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

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15/05/2024

Heard Mr. Anthony Debbarma, learned counsel together with Mr. Bhaskar Debbarma, learned counsel for the petitioners. Also heard Mr. S.S. Dey, learned senior advocate together with Mr. D. Bhattacharya, learned senior advocate assisted by Ms. Ayantika Chakraborty, learned counsel for the respondent Nos.1 and 2.

[2] Pursuant to the order dated 24.04.2024 an additional affidavit has been filed by respondent No.1 today which is taken on record.

[3] Mr. S. S. Dey, learned senior counsel for the respondent Nos.1 and 2 submits that all necessary steps have been taken by respondent Nos.1 and 2 for initiation of the process of conduct of election of Tripura Tribal Areas Autonomous District Council (TTAADC), in the meanwhile. He has referred to the correspondence made with the Chief Executive Officer (CEO), TTAADC

dated 24.04.2024 (Annexure-I) which is a request to intimate a definite time frame by which the Notification for calling upon the constituencies to elect members of village committees according to Rule 4 of the Tripura Tribal Areas Autonomous District Village Committee (Conduct of Election) Rules, 1996 (hereinafter referred to as 1996 Rules) would be issued by the TTAADC, so that the Schedule of election could be declared by the State Election Commission. The State Election Commission has, thereafter received a response from the CEO, TTAADC vide letter dated 26.04.2024 *inter alia* stating that no Town Committee in terms of the Tripura Tribal Areas Autonomous District (Establishment of Town Committee) Act of 2021 had yet been established and hence the Commission was requested to take necessary steps so as to conduct Village Committee Elections for all 587 numbers of Village Committees. It was further intimated that the TTAADC Authority is ready to conduct the Election as early as possible as per schedule to be notified by the Commission.

[4] It is further stated that the Secretary, State Election Commission had issued a letter vide letter dated 06.05.2024 to the CEO, TTAADC *inter alia* specifying the tentative schedule of time required to conduct village committee elections further specifying that if the processes starts from the month of August, 2024 the entire process culminating into polling, counting and declaration of result could be completed within December, 2024. The Commission reiterated its request urging the Executive Committee, TTAADC to issue the statutory notification under Rule 4 of 1996 Rules calling upon every constituency to elect a member of the Village Committee as per the provisions of the statute following the schedule suggested by the Commission (Annexure-III). In response thereof the CEO, TTAADC had vide his letter dated 06.05.2024 issued two notifications both dated 10.05.2024 calling upon every constituencies of Village Committee to

elect members for the purpose of constituting Village Committee afresh in accordance with the prescribed statute (Annexure- IV & V). The respondents further reiterated that they are duty bound to implement all the orders passed by this Court at all points of time and have not knowingly or unknowingly done or omitted to do anything to cause disobedience to any judicial order.

[5] Mr. S. S. Dey, learned senior counsel for the respondent No.1 and 2 has referred to the schedule contained in the letter dated 06.05.2024 (Annexure-III) in particular and also the notification issued by the CEO, TTAADC calling upon every constituency (seat) of the Village Committee to elect members for the purpose of constituting Village Committees afresh in accordance with the provisions of the said Act and Rules made there under. He has also referred to the notification No.F.40/ADC/VDC/2021/P-III/7003-011, dated 10.05.2024 (Annexure-V). The said notification is extracted hereunder:

“TRIPURA TRIBAL AREAS AUTONOMOUS
DISTRICT COUNCIL
OFFICE OF THE CHIEF EXECUTIVE OFFICER
KHUMULWNG : WEST TRIPURA

No.F.40/ADC/VDC/2021/P-III/7003-011 Dated, 10.05.2024

NOTIFICATION

Whereas by a Notification No. F.40(37)/ADC/VDC/ELEC/2011/15408 Dated 15th October, 2015 it was declared that the General Election, 2016 to constitute Village Committees would be as 2nd General Election and the Even Number Seat to the office of the members of the Village Committees as well as to the office of the Chairman/ Chairpersons of village committees were made reserved seat for women including the seat of the scheduled Tribes, as the case be scheduled castes;

AND

Whereas two consecutive terms of General Elections, one in the year of 2011 as first General Election and another in the year of 2016 as 2nd General Election have been held;

AND

Whereas the term of Village Committee have been expired w.e.f. 8th March 2021 in consonance to the section 10(1) of the TTAADC (Establishment of Village Committee) Act, 1994 and General election for constitution

of Village Committees could not be held in due time due to various reasons;

AND

Whereas the Administrator, in place of the Executive Committee had to take over the administration of all the Village Committees and giving each of the Village Secretaries of all the 587 Village-Committees to function as Administrator on behalf of him till constitution of next Village Committees;

AND

Whereas it is felt necessary to conduct the next General Election to constitute the Village Committees under Section 10 of the TTAADC (Establishment of Village Committee) Act, 1994 immediately and the State Election Commissioner has already taken preliminary action for holding of next General Election to the Village Committees.

Now therefore, Executive Committee has, after examination of the different provisions of the Act and Rules made there under has decided:-

- (a) The next General Election, 2024 shall be treated as 3rd General Election;
- (b) the Delimitation of Constituencies which were done in 2015 for all the 587 Village Committees shall again be kept same as no local limits of the Village Committees as well as Constituencies are changed in consonance to the proviso of clause (c) of Sub-rule (1) of Rule-3 of the TTAA District Village Committee (Delimitation of Constituencies) Rules, 1994 but changes in rotation of reservation of women from the Even number seat in 2016 to Odd number seat in the office of the members as well as in the office of the Chairmen/ Chairpersons including reserved Seat of Scheduled Tribes, as the case may be Scheduled Castes or Un-reserved Category;
- (c) The rotation of reservation of women in the forthcoming General Election, 2024 shall be started from the descending order for the purpose of ensuring coverage of uncovered Seat in earlier occasions in pursuance to the proviso-4 of clause (f) of Rule-4 of the TTAA District Village Committee (Delimitation of Constituencies) Rules, 1994;
- (d) The Sub-Divisional Magistrate concerned shall issue Notification for Delimitation of Constituencies in Form A1 and B1 under Rule-5 of each village Committee afresh keeping the same informations in Form A1 & Form B1 as done in 2015 making changes only in the reservation of women in Odd Number Seat in place of Even Number Seat for general information.

The Sub-Divisional Magistrates concerned shall undertake the Delimitation of Constituencies of the village following other different provisions of the Act and Rules made there under, if necessary.

By order of the Executive Committee

Sd/-

(C.K. Jamatia, IAS)

Chief Executive Officer,
TTAADC, Khumulwng.”

[6] Learned senior counsel for the respondent Nos.1 and 2 also submits that the Executive Committee has after examination of the different provisions of the Act and Rules decided to treat the General Election 2024 as 3rd General Election. The Delimitation of Constituencies which were done in 2015 for all the 587 Village Committees shall again be kept same as no local limits of the Village Committees as well as constituencies are changed in consonance to the proviso of clause (c) of Sub-rule (1) of Rule-3 of the TTAA District Village Committee (Delimitation of Constituencies) Rules, 1994 but changes in rotation of reservation of women from the even number seat in 2016 to odd number seat in the office of the members as well as in the office of the Chairmen/Chairpersons including reserved seat of Scheduled Tribes, as the case may be Scheduled Castes or Un-reserved Category will have to be done by the TTAADC. Further details of the rotation of reservation in the conduct of the election to Village Committees under the Rules of 1994 and issuance of notification for Delimitation of Constituencies in Form A1 and B1 under Rule-5 of each Village Committee afresh keeping the same information in Form A1 and Form B1 as was done in 2015 have to be issued by the Sub-Divisional Magistrate in terms of the notification dated 10.05.2024. He submits that the respondent Nos.1 & 2 representing the State Election Commission are duty bound to hold the election as per the schedule proposed hereinabove. The TTAADC has also undertaken to issue the relevant notifications calling upon the electorate to constitute Village Committees in the entire State of Tripura in terms of the Act and Rules of 1994. Therefore, the instant petition can be disposed of in that manner.

[7] Learned counsel for the petitioners submits that if the Commission is ready to conduct the election to the Panchayat Bodies in the State of Tripura in

July and mid August they may also be directed to simultaneously conduct the election to the Village Committees of the TTAADC during this period.

[8] However, we do not agree with this submission as the State Election Commission has its resources and schedule to conduct election to various bodies as a statutory obligation. They are best suited to lay down schedule of such election depending upon the resources which are required to be utilized. As such, we agree to the schedule proposed for election of the Village Committees of TTAADC by the respondent Nos.1 and 2. We hope and trust that the respondent Nos.1 and 2 representing the State Election Commission and the other Authorities of TTAADC and State Authorities would adhere to the time schedule proposed by the State Election Commission for conduct of election to the Village Committees of TTAADC.

[9] With this observation, the instant petition is disposed of. Pending application(s), if any, also stands disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ