

GAHC040010162024



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

Case No. : IA(C)/127/2024

The District Election Officer
Upper Subansiri District, represented by Shri Gamtum Padu, Son of Shri Pogam Padu, presently serving as Additional Deputy Commissioner cum Deputy District Election Officer Daporijo, PO and PS Daporijo, Upper Subansiri District, Arunachal Pradesh

VERSUS

Dikto Yikar and Anr
Son of Shri Ledik Yikar, resident of Village Sikarijo, PO and PS Daporijo, Upper Subansiri District, Arunachal Pradesh 791122

2:Taniya Soki
Age: 0
Occupation :
Son of Late Tapak soki
resident of Soki village
PO and PS Daporijo
Upper Subansiri District
Arunachal Pradesh 79112

Advocate for the Petitioner : Nani Anju, Keprunda Mena

Advocate for the Respondent : Duyu Laji, D. Soki

Linked Case : Election Pet./8/2019

SHRI DIKTO YEKAR
Age: 0

Occupation :
Address:S/O SHRI LEDIK YEKAR
R/O SIKARIJO VILLAGE
PO and PS DAPORIJO
UPPER SUBANSIRI DISTRICT
AP 7640992155

VERSUS

SHRI TANIYA SOKI
Age: 0
Occupation :
Address:S/O LT TAPAK SOKI
R/O SOKI VILLAGE
PO and PS DAPORIJO
UPPER SUBANSIRI DISTRICT
AP

Advocate for : MrT L Sorum
Advocate for : D Mozumdar
Sr. Advocate appearing for SHRI TANIYA SOKI: Advocate appearing for respectively.

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10-09-2024

Heard Ms. N. Anju, learned counsel for the applicant and Mr. D. Laji, learned counsel for the opposite party No. 1. Also heard Mr. D. Soki, learned counsel for the opposite party No. 2.

2. This interlocutory application is preferred by the applicant, District Election Officer, Upper Subansiri district for releasing the Electronic Voting Machines (EVMs/VVPATs) of 22-Soki Polling Station for further use, which are being kept in Strong Room, under custody of District Election Officer, Daporijo, Upper Subansiri district in respect of 24-Daporijo (ST) Assembly Constituency.

3. Ms. Anju, learned counsel for the applicant submits that the aforesaid EVMs are required to be released for further use.
4. Whereas, Mr. Laji, learned counsel for the opposite party No. 1 submits that at this stage, the said EVMs cannot be released as the same will be required for deciding the ELECTION PET. No. 8 (AP) of 2019.
5. However, Mr. Soki, learned counsel for the opposite party No. 2 submits he has no objection in the event of allowing this application.
6. Having heard the submissions of learned Advocates of both the parties, I have carefully gone through the application and the documents placed on record, and also perused the order of this Court dated 28.01.2021, in I.A.(C) No. 101 of 2020.
7. Taking note of the submissions of learned Advocates of both the parties as well as the order of this Court dated 28.01.2021, this Court is of the view that at this stage, the EVMs as prayed for, cannot be released at this stage, as the Election Petition pertaining to the said constituency is yet to be disposed of.
8. Accordingly, this interlocutory application stands dismissed.

JUDGE

Comparing Assistant