

GAHC010025402024



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

Case No. : WP(C)/796/2024

ABDUL MATLIB AND 4 ORS

S/O- LT. RASTUM ALI, RESIDENT OF VILLAGE PATHAKHAURI, WARD NO 5,
P.O. CHERAGI, P.S. RATABARI, DIST.- KARIMGANJ, ASSAM, PIN- 788737

2: ABDUL KARIM

S/O- LT. TARMUJ ALI
RESIDENT OF VILLAGE PATHAKHAURI
WARD NO 5
P.O. CHERAGI
P.S. RATABARI
DIST.- KARIMGANJ
ASSAM
PIN- 788737

3: MABAT ALI

S/O- LT. AHMAD ALI
RESIDENT OF VILLAGE PATHAKHAURI
WARD NO 5
P.O. CHERAGI
P.S. RATABARI
DIST.- KARIMGANJ
ASSAM
PIN- 788737

4: JONAB ALI

S/O- LT. FARJAN ALI
RESIDENT OF VILLAGE PATHAKHAURI
WARD NO 5
P.O. CHERAGI
P.S. RATABARI
DIST.- KARIMGANJ
ASSAM
PIN- 788737

5: FAIZUR RAHMAN
S/O- LT. MAKLIS ALI
RESIDENT OF VILLAGE PATHAKHAURI
WARD NO 5
P.O. CHERAGI
P.S. RATABARI
DIST.- KARIMGANJ
ASSAM
PIN- 78873

VERSUS

THE ELECTION COMMISSION OF INDIA AND 4 ORS
REPRESENTED BY ITS SECRETARY, NIRVACHAN SADAN, ASHOKA ROAD,
NEW DELHI- 110001

2:THE ASSAM STATE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY
JANATA BHAWAN
DISPUR
GUWAHATI-6
ASSAM

3:THE DISTRICT COMMISSIONER
KARIMGANJ
PO AND DIST.- KARIMGANJ
ASSAM
PIN- 788710

4:THE ELECTION OFFICER
KARIMGANJ
PO AND DIST.- KARIMGANJ
ASSAM
PIN- 788710

5:THE CIRCLE OFFICER
RK NAGAR
P.O. RAMKRISHNA NAGAR
DIST. KAIMGANJ
ASSAM
PIN- 78816

Advocate for the Petitioner : MR. A R TALUKDAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

19.02.2024

1. Heard Mr. A.R. Talukdar, learned counsel for the petitioners, who submits that the petitioners, who are voters and residents of village Pathakhauri, Ward No.5 of 126 No. Pathakhauri Gaon Panchayat in Karimganj District, are aggrieved with the Polling Center being shifted to 1199 No. Teracherra L.P. School (Room No.2), which is 4 kms. away from their village.
2. The petitioners' counsel submits that the petitioners' Representation dated 26.12.2023 has been submitted to the Election Officer, Karimganj to keep the Polling Center unchanged. However, no decision is being taken by the Election Officer, Karimganj till date. He accordingly submits that the writ petition should be disposed of, with a direction to the Election Officer, Karimganj, to take a decision on the petitioners' Representation dated 26.12.2023.
3. Mr. A.I. Ali, learned counsel appearing for the respondent Nos. 1 and 4 and Mr. R. Dubey, learned counsel for the respondent No.2 as well as Mr. G. Bokaliyal, learned counsel for the respondent Nos. 3 and 5 submit that the petitioners have no legally enforceable right, as no right of theirs has been violated.
4. Mr. R. Dubey, learned counsel for the respondent No. 2 submits that the respondent No.2 is not a necessary party in this case.
5. On considering the submissions made by the counsels for the parties, this

Court is of the view that no enforceable right of the petitioner has been violated by the respondents. However, as the petitioner's Representation dated 26.12.2023 has not been decided by the Election Officer, Karimganj, the Election Officer is directed to take a decision on the petitioners' representation and dispose of the same at the earliest and preferably within a period of 1(one) month from the date of receipt of a certified copy of this order.

6. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant