

GAHC010082262024



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

Case No. : WA/136/2024

JOYNAB BIBI

W/O- JAKIR HUSSAIN VILL- LOHAJANI P.O- MARAGADADHAR P.S-
GOLAKGANJ DIST- DHUBRI PIN- 783335 PRESIDENT,BATERHAT G.P
ANCHALIK PANCHAYAT ,AGOMANI FIRST MEETING 06/02/2019

VERSUS

THE UNION OF INDIA AND 10 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF PANCHAYATI RAJ,
GOVT. OF INDIA, 11TH FLOOR, JEEVAN PRAKASH BUILDING, 25, K.G,
MARG, NEW DELHI-110001

2:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF ASSAM
DISPUR
GHY-06.

3:THE PRINCIPAL SECRETARY

TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GHY-06.

4:THE DEPUTY COMMISSIONER

DHUBRI
P.S
P.O AND DIST- DHUBRI
ASSAM
PIN- 783301

5:THE CHIEF EXECUTIVE OFFICER

ZILA PARISHAD
DHUBRI
P.S
P.O AND DIST- DHUBRI
ASSAM
PIN- 783301.

6:THE EXECUTIVE OFFICER
AGOMONI ANCHALIK PANCHAYAT

DIST. DHUBRI
ASSAM.

7:THE EXECUTIVE OFFICER
BIRSHING JARUA ANCHALIK PANCHAYAT

DIST. DHUBRI
ASSAM.

8:THE EXECUTIVE OFFICER
DHARMASALA ANCHALIK PANCHAYAT

DIST. DHUBRI
ASSAM.

9:THE EXECUTIVE OFFICER
HATIDHURA ANCHALIK PANCHAYAT

DIST. DHUBRI
ASSAM.

10:THE EXECUTIVE OFFICER
GOLAKGANJ ANCHALIK PANCHAYAT

DIST. DHUBRI
ASSAM.

11:THE ASSAM STATE ELECTION COMMISSION

REPRESENTED BY ITS SECRETARY
HOUSEFED COMPLEX
DISPUR GUWAHATI 0

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

**Date : 20/05/2024
*Vijay Bishnoi, CJ***

Heard Mr. M.U.Mondal, learned counsel for the appellant. We have also heard Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department, Assam as well as Ms. R.B. Bora, learned Government Advocate, Assam and Ms. K. Phukan, learned CGC, appearing for the respective respondents.

This appeal is directed by the appellants being aggrieved with the judgement dated 22/03/2024 passed by the learned Single Judge in WP(C) No. 762/2024 and other connected writ petitions whereby, the writ petitions filed by the appellant along with the other writ petitions have been dismissed.

The appellant was the elected President of the Gaon Panchayat concerned, has filed writ petition being aggrieved with the action of the State Government whereby, after expiry of the term of the Gaon Panchayat, the District Commissioners were directed to take the charge of the Gaon Panchayats.

The learned Single Judge has dismissed the writ petition while taking into consideration that as per section 7 of the Assam Panchayat Act, 1994, the duration of a Gaon Panchayat is 5 (five) years from the date of the first meeting. The learned Single Judge has also taken into consideration the provisions of Article 243, which specifically says that every Panchayat shall continue for 5 (five) years from the date of its first meeting and no longer. The learned Single Judge has also relied upon the decision of the Hon'ble Supreme Court rendered in the case of ***Hemant Narayan Rasne Vs.***

Commissioner and Administrator of Pune Municipal Corporation reported in ***(2022) 18 SCR 180*** and has held that since the term of the petitioner as President of concerned Gaon Panchayat has already expired, she cannot claim to continue on the said post, as a matter of right.

Having heard the learned counsel for the appellant and after going through the impugned judgement, we do not find any illegality in the same. Hence, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant