

GAHC010191912023



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

Case No: El.Pet./1/2021

AMINUL HAQUE LASKAR
S/O LATE ALA UDDIN LASKAR
R/O BERENGA PART-II
P.O.-BERENGA
P.S.-SILCHAR
DIST-CACHAR
ASSAM

VERSUS

KARIM UDDIN BARBHUIYA AND 12 ORS.
S/O LATE RAHIM UDDIN BARBHUIYA
R/O DHONEHARI PART-II
P.O.-SILDUBI
P.S.-SONAI
DIST-CACHAR
PIN-788112

2:M. SANTI KUMAR SINGHA
S/O KALEN SINGHA
R/O DHANEHARI PART-III
LAMARGRAM KHUNON
P.O.-KAZIDAHAR
P.S.-SONAI
DIST-CACHAR
ASSAM
PIN-788115

3:ANJAN KUMAR CHANDA
S/O LATE PULIN BIHARI CHANDA
R/O VILL-KABIURA UTTER KRISHNAPUR PART-I
P.O.-MEHERPUR
P.S.-SILCHAR

DIST-CACHAR
ASSAM
PIN-788015
4:XXX
(RESPONDENT NO. 4 DELETED)
5:ABDUL MATLIB LASKAR
S/O LATE REJAK ALI LASKAR
R/O UTTAR KRISHNAPUR
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788006
6:ASHISH HALDAR
S/O ASHUTOSH HALDAR
R/O VILL-DORGAKONA
P.O.-ASSAM UNIVERSITY
SILCHAR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788011
7:ANAMUL HAQUE
S/O LATE MUDASSIR AHMED LASKAR
R/O VILL-DHONEBARI PART-II
P.O.-SILDUBI
P.S.-SONAI
DIST-CACHAR
ASSAM
PIN-788001
8:KARIM UDDIN BARBHUIYA
S/O LATE FOZIZUR RAHMAN BARBHUIYA
R/O VILL AND P.O.-JHANJARBALI
P.S.-SONIA
DIST-CACHAR
ASSAM
PIN-788119
9:DILIP KUMAR DAS
S/O SRI DARSHAN DAS
R/O VILL-BABUTILLA BHORAKHAI GRANT
P.O.-NIT
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788010
10:MD NAZRUL ISLAM LASKAR
S/O LATE SANUHAR ALI LASKAR
R/O VILL-GANGANAGAR PART-I
P.O.-SAINT KATHERINE

P.S.-KACHUDARAM
DIST-CACHAR
ASSAM
PIN-788099
11:BIJAN PAUL
S/O LATE BADOL PAUL
R/O GHUNGHUR
NEAR SILCHAR MEDICAL COLLEGE
P.O.-GHUNGHUR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788114
12:SHUKUMAR SONAR
S/O SHRI RAM BIKASH SONAR
R/O VILL-FAKIRTILLA
BHORAKHAI GRANT
P.O.-NIT
SILCHAR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788010
13:SAYAL AHMED BARBHUIYA
S/O LATE SAJIR UDDIN BARBHUIYA
R/O VILL- UTTAR KRISHNAPUR PART-II
P.O.-UTTAR KRISHNAPUR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788006

Advocate for : MR D MAZUMDER
Advocate for : MR S BORTHAKUR appearing for KARIM UDDIN BARBHUIYA
AND 12 ORS.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 01.05.2024

Heard Mr. N.M. Mazarbhuiya, learned counsel for the petitioner. Also heard Mr. K.P. Pathak, learned senior counsel, assisted by Mr. I. Kalita, learned

counsel for the respondent no.1.

2. The learned senior counsel for the respondent no.1 has produced a copy of judgment dated 08.04.2024, passed by the Supreme Court of India in Civil Appeal No. 6282/2023. By the said judgment, this election petition was dismissed. A copy of the said judgment is made as a part of record.

3. The learned senior counsel for the respondent no.1 has referred to the provisions of Section 103 of the Representation of Peoples Act, 1951, which is quoted below:

“103 : Communication of orders of the High Court:

The High Court shall, as soon as may be after the conclusion of the trial of an election petition, intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision.]”

4. Accordingly, it is submitted that the authenticated copy of the order of conclusion of trial is required to be sent to the Honourable Speaker of the State Legislative Assembly, Election Commission of India as well as State Election Commission, Assam. He has further submitted that notwithstanding that the disposal of the election petition vide order passed by the Supreme Court of India, the order is required to be communicated to the concerned authorities.

5. Taking note of the disposal of this election petition by the judgment of the Supreme Court of India as referred above, the prayer made by the learned senior counsel for the respondent no.1, having not been objected to by the learned counsel for the petitioner stands allowed.

6. Let the authenticated copy of the judgment dated 08.04.2024, passed by the Supreme Court of India in Civil Appeal No. 6282/2023 be sent to the Honourable Speaker of the State Legislative Assembly, Election Commission of

India as well as State Election Commission, Assam and other requirement of Section 103 of the Representation of Peoples Act, 1951 shall also be complied with.

7. Accordingly, this election petition stands closed as per the order of the Supreme Court of India.

JUDGE

Comparing Assistant