

GAHC010118572013



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

Case No. : WP(C)/4243/2013

DULAL BORA
S/O SRI DEBEN BORA, R/O KAINADHARA, HOUSE NO.118, P.O.
KHANAPARA, P.S. BAISISTHA, GHY-22, DIST- KAMRUP, ASSAM

VERSUS

THE UNION OF INDIA and 10 ORS
REPRESENTED BY THE SECRETARY, GOVT. OF INDIA, NEW DELHI-110001

2:THE ELECTION COMMISSION
GOVT. OF INDIA AND IT IS REPRESENTED BY THE CHIEF ELECTION
COMMISSIONER
NIBASAN SADAN
ASHOKA ROAD
NEW DELHI
PIN-110001

3:THE PRINCIPAL SECRETARY
THE ASSAM STATE LEGISLATIVE ASSEMBLY
THE ASSEMBLY HOUSE
GOVT. OF ASSAM
DISPUR
GHY-6
DIST- KAMRUP METRO
ASSAM

4:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF ASSAM
ASSAM SACHIVALAYA
DISPUR
GHY-6
DIST- KAMRUP METRO
ASSAM

5:THE CHIEF ELECTORAL OFFICER
GOVT. OF ASSAM
ASSAM SACHIVALAYA
BLOCK-C
DISPUR-6
DIST- KAMRUP METRO
ASSAM

6:THE ELECTION OFFICER CUM THE RETURNING OFFICER
PANBAZAR
DY. COMMISSIONER OFFICER
GHY-1
P.S. PANBAZAR
DIST- KAMRUP METRO
ASSAM

7:THE HOME COMMISSIONER AND THE SECRETARY
GOVT. OF ASSAM
THE DEPARTMENT OF HOME
DISPUR
GHY-06
DIST- KAMRUP METRO
ASSAM

8:THE DIRECTOR GENERAL OF POLICE
GOVT. OF ASSAM
THE DEPARTMENT OF POLICE
ASSAM
ULUBARI
GHY-07
DIST- KAMRUP METRO
ASSAM

9:THE SENIOR SUPERINTENDENT OF POLICE
PANBAZAR
GHY-01
DIST- KAMRUP METRO
ASSAM

10:THE OFFICER IN CHARGE
BASISTHA P.S.
BASISTHA CHARIALI
GHY-28
DIST- KAMRUP METRO
ASSAM

11:AKON BORA

MINISTER OF SOCIAL WELFARE AND JAIL
GOVT. OF ASSAM
S/O LT. DHARMESWAR BORA
R/O H/NO.37
BELTOLA
SEUJ NAGAR
P.O. BELTOLA
GHY-28
DIST- KAMRUP METRO
ASSAM

12:THE GAUHATI UNIVERSITY
REPRESENTED BY THE REGISTRAR
JALUKBARI
GUWAHATI-14
ASSA

Advocate for the Petitioner : MR.D CHUTIA

Advocate for the Respondent : MR.S CHAKRABARTY

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 14.05.2024

Heard Mr. L. K. Borah, learned counsel for the petitioner and Mr. A. M. Bora, learned Senior Counsel, assisted by Mr. J. Patowary, learned counsel. Also heard Mr. H. Sarma, learned Addl. Addl. Senior Government Advocate for the State respondents.

2. By filing this writ petition, the petitioner is seeking direction for taking appropriate actions against the respondent No. 11, who is alleged to have submitted false information while filing his nomination paper.

3. Heard the learned counsels for the parties.

4. Admittedly, an FIR has been filed by the petitioner in respect of the

allegation that the respondent No. 11 has submitted false information while filing his nomination paper, which has already been registered as Basistha P.S. Case No. 499/2013 under Sections 468/420/471 of the IPC.

5. It further appears that the aforesaid FIR is put to challenge by the respondent No. 3 in Criminal Petition No. 614/2013, wherein this Court, by order dated 16.08.2013, has suspended further proceedings in relation with the aforesaid FIR.

6. It further appears that in terms of the Election Commissioner's order dated 27.03.2003, the remedy provided for furnishing of any wrong or incomplete information is either for rejection of the nomination paper or inviting penal consequences under the IPC.

7. It is submitted at the bar that the respondent No. 11 has already served his term.

8. The specific grievance of the petitioner is that no action on the FIR filed by the petitioner has been taken.

9. In the present case, as stated above, the FIR has already been registered by the State authority in connection with the allegation of furnishing wrong information while filing the subject nomination paper.

10. As such, this Court is of the considered view that nothing survives for adjudication in the instant writ petition.

11. Accordingly, this writ petition stands dismissed as infructuous.

JUDGE

Comparing Assistant