

GAHC010161812024



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

Case No. : WP(C)/4059/2024

RANJAN RABHA
S/O LATE INDRA MOHAN RABHA, RESIDENT OF KHATKHATI, PO AND PS
BOKO, DIST KAMRUP ASSAM 781123

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, TRIBAL AFFAIRS (PLAIN) DEPARTMENT, DISPUR GUWAHATI
781005

2:THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF TRIBAL AFFAIRS (PLAIN) DISPUR
GUWAHATI 781005

3:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF TRIBAL AFFAIRS (PLAIN) DISPUR
GUWAHATI 781005

4:THE DIRECTOR
DEPARTMENT OF TRIBAL AFFAIRS (PLAIN)
RUKMINIGAON
DISPUR
GUWAHATI 781005

5:THE GENERAL COUNCIL
RABHA HASONG AUTONOMOUS COUNCIL
REP. BY ITS CHIEF EXECUTIVE MEMBER DUDHNOI GOALPARA ASSAM
783124

6:SRI TANKESWAR RABHA
CHIEF EXECUTIVE MEMBER

RABHA HASONG AUTONOMOUS COUNCIL
DUDHNOI GOALPARA ASSAM 78312

For the petitioner (s) : Mr. D. Mazumdar, Advocate

For the respondent (s) : Mr. R. Dhar, Advocate
Mr. P. N. Goswami, AGA

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

14.08.2024

Heard Mr. D. Mazumdar, the learned counsel appearing on behalf of the petitioner. Mr. R. Dhar, the learned counsel appears on behalf of the respondent Nos.1 to 4 and Mr. P. N. Goswami, the learned Additional Advocate General, Assam appears on behalf of the respondent No.5.

2. Taking into account the issues involved in the instant writ petition, this Court takes up the instant writ petition for disposal at the motion stage.

3. The petitioner herein claims to be a member of the Rabha community. The grievance of the petitioner primarily is as regards the extension given for a period of another 6 months to the Rabha Hasong Autonomous Council vide the notification dated 06.08.2024. It is seen that the said exercise has been carried out in terms with Section 7 (3) of the Rabha Hasong Autonomous Council Act, 1995 which stipulates that the Governor may upon being satisfied that the circumstances exist which render the holding of the election as provided impracticable, extend the term for a period not exceeding one year. A further perusal of the said notification reveals that initially the period of the Rabha Autonomous

Council ought to have expired on 12.02.2024 which was however extended for a period of 6 months vide the notification dated 10.02.2024. Thereupon, vide the notification dated 06.08.2024, it has been again extended on the ground that the Assam State Election Commission vide the letter No.SCC.26/2023/47 dated 29.06.2024, informed that some additional time would be required for holding the election. Taking into account the reason which is self explicit in the notification dated 06.08.2024, it is the opinion of this Court that it is not a fit case for exercise of the powers of judicial review in respect to the notification dated 06.08.2024.

4. This Court, however, observes that taking into account the Section 7 (3) of the Rabha Hasong Autonomous Council Act, 1995 which mandates that the maximum period for which an extension can be given is one year, the petitioner herein would however be at liberty to approach this Court if pursuant to the extension so given vide the notification dated 06.08.2024, the elections are not held after the expiry of the extended period vide the Notification dated 06.08.2024.

5. This Court further takes note of that the petitioner had also sought for writ in the nature of mandamus directing the respondent authorities to take action against the respondent No.4 by cancelling his caste certificate which was produced by him to hold the post of Executive Member of the Rabha Hasong Autonomous Council, Dudhno, Goalpara, Assam. It is seen that pursuant to the representations so submitted to the respondent No.1, the Chief Secretary to the Government of Assam as well as to the Governor of Assam and the Chief Minister of Assam, a process has already been initiated as could be seen from the communication dated 19.06.2024

issued by the Additional Secretary to the Government of Assam, Department of Tribal Affairs (Plain), Dispur.

6. Taking into account that a proceedings has already been initiated on the basis of the said representation, this Court would not like to issue any direction at this stage. This Court, however, expects that the concerned respondent authorities shall bring the said proceedings to a logical conclusion within a reasonable time frame.

7. With the above observation and direction, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant