

GAHC010164502024



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

Case No. : WA/295/2024

RUPA DUTTA SAIKIA
W/O- SRI KUSHEWAR SAIKIA, RESIDENT OF VILLAGE- TANTI GAON, P.O.-
TITABOR, WARD NO.1 (PURANA TITABOR), DISTRICT- JORHAT, ASSAM,
PIN- 785630.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
URBAN DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6, DISTRICT-
KAMRUP(M), ASSAM.

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
URBAN DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GUWAHATI-6.

4:THE DISTRICT COMMISSIONER
JORHAT
ASSAM.

5:THE SUB DIVISIONAL OFFICER (CIVIL)
TITABOR
JORHAT
ASSAM.

6:THE TITABOR MUNICIPAL BOARD

JORHAT.

7:THE EXECUTIVE OFFICER
TITABOR MUNICIPAL BOARD
TITABOR
JORHAT
ASSAM

Advocate for the Petitioner : MR B BURAGOHAIN, MR. P K GOGOI

Advocate for the Respondent : GA, ASSAM,

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

ORDER

02.09.2024

(Vijay Bishnoi, CJ)

This Writ Appeal is filed by the appellant being aggrieved with the order dated 05.08.2024 passed by the learned Single Judge in WP(C) No.3891/2024.

2. The appellant had approached the learned Single Judge being aggrieved with the no confidence motion passed against her on 25.07.2024 which resulted into removal of the appellant from the post of Chairperson of Titabor Municipal Board.

3. The appellant had raised a grievance before the learned Single Judge that as required under Section 46(4) of the Assam Municipal Act, 1956, three days prior notice has not been served upon her. The learned Single Judge has concluded that Section 46(4) of the Act of 1956 is not applicable in the present case and the relevant provision is Section 43(3) of the Act of 1956 which stipulates that if the Chairman or the Vice-Chairman fails to call a Special Meeting to meet within 20 days after such a requisition has been made, the

meeting may be called by the persons who signed the requisition.

4. Having heard the learned counsel for the appellant and after going through the materials available on record, we do not find any case for interference. Hence, this Writ Appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant