

GAHC010142292024



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

I.A.(Civil)/2455/2024
El.Pet./1/2024

THE ELECTION COMMISSION OF INDIA
REP. BY MANABENDRA BHARALI
ACS
DEPUTY CHIEF ELECTORAL OFFICER AR ELECTION DEPARTMENT
JANATA BHAWAN
C BLOCK 4TH FLOOR
DISPUR GUWAHATI 781006

VERSUS

HAFIZ RASHID AHMED CHOUDHURY AND 2 ORS
S/O LATE MAULANA MAQUBUL ALI CHOUDHURY
R/O HOUSE NO.- 18
P.D. CHALIHA ROAD
HEDEYATPUR
P.O.- SILPUKHURI
P.S.- LATASIL
GUWAHATI
DISTRICT- KAMRUP (METRO)
PIN- 781003.

2:KRIPANATH MALLAH
S/O LATE KRISHNAMOHAN MALLAH
R/O VILLAGE AND P.O.- BIDYANAGAR
DIST.- KARIMGANJ
ASSAM
PIN- 788734.

3:THE RETURNING OFFICER
NO. 7 KARIMGANJ PARLIAMENTARY CONSTITUENCY

ASSAM
OFFICE OF THE DEPUTY COMMISSIONER
KARIMGANJ
ASSAM
PIN- 788710

Advocate for : MRS P BARUA
Advocate for : MR K P PATHAK appearing for HAFIZ RASHID AHMED
CHOUDHURY AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

28.08.2024

Heard Ms. P. Baruah, learned counsel for the applicant, who has been arrayed as pro forma respondent no. 3 in this application.

By the instant application, the applicant has prayed for striking of the name of the applicant.

The application has been instituted under Section 82 and 87 of the Representation of People Act, 1951 r/w Order 1 Rule 10 (2) of the Code of Civil Procedure, 1908.

Also heard Shri K.P. Pathak, learned Senior Counsel for the opposite party no. 1- Election Petitioner as well as Shri P. Nayak, learned counsel who has entered appearance for the opposite party no. 2 i.e., the returned candidate.

The *lis* is between the Election Petitioner and the Returned Candidate and the presence of the present applicant may not be necessary. Further, this Court had passed an order today, i.e., 28.08.2024 in I.A. (Civil) No. 2447/2024 filed by invoking the provisions of Rule 94 of the Conduct of Election Rules, 1961 whereby the records have been directed to be preserved.

In view of the above, this Court is of the opinion that the presence of the present applicant may not be necessary and accordingly the name of the applicant is struck off as pro forma respondent no. 3.

JUDGE

Comparing Assistant