



Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 301 of 2025

Date of Decision: 28.01.2026

Voice of the People Party
having its registered office at Laitkor,
Kynton U-Mon, East Khasi Hills District,
Shillong represented by its authorize representative
Shri. Damewanhi L Rymbai,
S/o (L) L.Tyngkra,
Aged about 39 years
R/o Wapung Skur, East Jaintia Hills District,
Meghalaya – 793160.

...Petitioner

-Versus-

1. State of Meghalaya,
Represented by the Commissioner Secretary,
Government of Meghalaya, Shillong.
2. The Commissioner & Secretary to the
Government of Meghalaya,
District Council Affairs Department.
3. The Director General of Police,
Meghalaya, Shillong.
4. The Secretary to the Government of Meghalaya,
Home (Police) Department,
Shillong.
5. The District Election Officer,
East Jaintia Hills District,
Khliehriat.



6. The District Election Officer,
West Jaintia Hills District,
Jowai Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) :	Mr. Philemon Nongbri, Adv. Mr. R.Pahsyntiew, Adv.
For the Respondent(s) :	Mr. A.Kumar, AG with Ms. O.A.I.Bang, GA. Mr. A.H.Kharwanlang, Addl.Sr.GA.

JUDGMENT AND ORDER (ORAL)

1. The instant writ petition has been filed by the petitioner a political party seeking intervention into alleged grave lapses committed by the State respondents during the conduct of the general elections to the Jaintia Hills Autonomous District Council (JHADC) 2025, held on 21-02-2025. The petitioner has prayed for the following reliefs:

- (i) “Direct an independent and time-bound inquiry into the incidents of violence, booth capturing, and destruction of EVMs during the polling held on 21-02-2025 in Wapung Skur A and B, Bataw A and B, and/or;



- (ii) fix accountability on the part of the State Respondents for failure to take preventive and responsive action despite repeated and specific intimation of made by the Party with regards to the highly sensitive polling stations within the constituencies, and/or;
- (iii) issue appropriate directions for formulation and implementation of stricter guidelines to ensure the safety, security, and fairness of future District Council Elections in sensitive areas, and/or;
- (iv)”

2. As the State respondents have however, raised the question of maintainability of the instant writ petition as such, the same is being taken up as a preliminary issue for determination.

3. The learned Advocate General on this question has referred to the preliminary objections which has been filed in the form of an affidavit and has stated that the writ petition is not maintainable as there is no violation of fundamental rights and that the petitioner cannot bypass filing an election petition by seeking to invoke writ jurisdiction. The learned Advocate General submits that the case at hand pertains to general elections to the JHADC and these elections are governed by the Assam and Meghalaya



Autonomous District (Constitution of District Councils) Rules, 1951. Rule 179, he submits, has provided that no election shall be called in question except by an election petition. This provision, he contends, is *pari materia* to Section 80 of the Representation of People Act, 1951, and carries forward the mandate of Article 329 which bars interference by Courts in electoral matters. A bare perusal of these provisions, he submits, will clearly show that any party interested in putting up a challenge to an election, or any matter pertaining to an election, is required to do so by way of an election petition only. In support of this submission, learned Advocate General has cited the case of *Mohinder Singh Gill vs. Chief Election Commissioner (1978) 1 SCC 405* and the case of *W.B. State Election Commission vs. Communist Party of India (Marxist) (2018) 18 SCC 141*.

4. It has also been submitted that the petitioner has sought to challenge the entire election process as a whole which is impermissible in law and in this context, has cited the case of *Inderjit Barua vs. Election Commission of India (1985) 1 SCC 21* wherein he submits, it has been held that the election from each constituency has to be challenged though the ground of challenge may be identical. The petitioner, he contends, failing to avail a remedy provided in law will disentitle it from seeking exercise of writ jurisdiction by this Court. In the present case, he submits, the petitioner is aggrieved with the conduct of elections at 4(four) polling stations on the



ground that on the polling day, there were incidents of large scale electoral violence and vandalism, which however, were duly addressed by the District Election Officer and in terms of Rule 143 B of the Rules, repolls were declared which was smoothly conducted on the very next day i.e. on 22-02-2025. Further, he submits, the said incidents were investigated and FIR registered, and as such, there is no longer any live issue for the matter to be entertained by this Court. Learned Advocate General has also touched upon the third prayer made by the petitioner praying for the formulation of a policy or guidelines to conduct elections and submits that it is outside the power of judicial review to issue orders to the legislature to enact a law in a particular manner. Reliance has been placed on the case of *V.K. Naswa vrs. Union of India (2012) 2 SCC* and *Ashwani Kumar vrs. Union of India (2020) 13 SCC 585*. The learned Advocate General has also submitted that the extraordinary jurisdiction of this Court is not a substitute in a matter where the petitioner has failed to exercise the exclusive appropriate remedy available.

5. In reply, Mr. Philemon Nongbri, learned counsel for the petitioner has submitted that the challenge of the petitioner is not only on the outcome of an election, but on the bigger picture of the gross illegalities that had occurred in the elections where inspite of the same being brought to the notice of the respondents as to the sensitive nature of certain polling stations



and a possibility of illegal acts being committed in the election process, the State respondents had not addressed the same. The learned counsel has then drawn the Court's attention to the 1951 Rules and submits that, Rule 206 and Rule 207, which are *pari materia* to Sections 136 and 137 of the Representation of People Act, 1951, allow for such inquiry, and that it is well within the powers of the respondents to cause inquiries if there were reasons to believe that any offence punishable under Rule 206 has been committed in reference to any election within an autonomous district. This provision, he submits, being independent of the prescription of Rule 179, there can be no legal bar to the petitioner to take recourse to the same. The respondents, he submits, having not taken any action on the complaint of the petitioner which should have called for action under Rule 207, the writ petitioner has been compelled to seek appropriate directions from this Court and therefore, the writ petition cannot be said to be not maintainable.

6. Heard the learned counsels for the parties.

7. It is noted that the prayer of the writ petitioner encompasses many reliefs that have been sought which as per the petition was necessary in view of the alleged incidents that had occurred in the elections held on 21-02-2025 of the Jaintia Hills Autonomous District Council. A detailed perusal of the writ petition and the facts set out therein, show that the contents only narrate the alleged illegalities and anomalies in the conduct of the elections,



such as, booth capturing, booth rigging, vandalism, damaging electronic voting machines in 4(four) polling stations etc. The allegations and complaints therefore, are directly and substantially concerned with the manner of the conduct of the elections. In this context, the settled principles governing elections will have to be applied to discern as to whether the writ petition would be maintainable.

8. It would be apposite to refer to Article 329 (b) of the Constitution which imposes a complete bar against judicial interference in matters pertaining to elections. Though this Article specifically refers to parliamentary and legislative elections, the same being a constitutional principle would therefore, equally apply to elections of the Autonomous District Councils constituted under the Sixth Schedule to the Constitution. In the present case, the Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951 at Chapter VIII thereof, has prescribed the procedure for questioning the elections. Rule 179 states in categorical terms that save as provided in Rule 16 or Rule 127, no election shall be called into question except by an election petition. Rule 180 has also set out the procedure for filing such petition before the Governor and it stipulates the time limit of 60(sixty) days for presenting such a petition. Thus, the Rules themselves provide a specific remedy to challenge the result of an election. At this juncture, it would be relevant to refer to the judgment



of *N.P. Ponnuswami vrs. Returning Officer, Namakkal Constituency (1952) 1 SCC 94* which has laid down the principle that once the law of elections creates a right and provides for special remedy, that remedy must be pursued exclusively, and no parallel challenge can be entertained through writ jurisdiction under Article 226. Thus, the only permissible stage or forum, to question the validity of an election is through the mechanism of an election petition through the designated authority. This principle has also been consistently affirmed in later judgments such as, in the case of *Mohinder Singh Gill (supra)*.

9. Apart from applying the above noted settled principles, the present writ petition also suffers from various fatal defects. Firstly, the petitioner is a political party and not an elector whose individual right to vote has been infringed, and no fundamental right as claimed can be said to have been violated. The locus of the petitioner itself is questionable as the set procedure allows candidates or electors to challenge the elections and not political parties. Secondly, the election results as per records, were declared on 24-02-2025 and the statutory limitation period for filing election petition which is 60(sixty) days had expired on 24-04-2025. The petitioner, not choosing to invoke this statutory remedy, has instead filed this petition before this Court only on 23-07-2025 and apart from being beyond the limitation period, appears to be an attempt to bypass the statutory forum with its mandatory



limitation period. Further from the materials, it is not disputed that the alleged incidents of booth capturing and vandalism were addressed by the election authority and repolling ordered under Rule 143 B, and as such, even on facts, the grievance raised has already been remedied.

10. The learned counsel for the petitioner, though the writ petition does not refer to or any pleadings made as to any tangible ground or provision in the Rules to warrant interference under Article 226, has at the argument stage submitted that directions can nevertheless be issued under Rule 207, which is *pari materia* to Section 137 of the Representation of People Act, 1951, though since deleted, for an inquiry to be ordered. Rule 207 for the sake of convenience is reproduced hereinbelow:

“Prosecution regarding certain offences – 207. (1) *if the Government has reasons to believe that any offence punishable under rule 199 or under rule 204 or under clause (a) of sub-rule (2) of rule 206 has been committed in reference to any election within an autonomous district, it shall be the duty of the Governor to cause such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may appear to him to require.*

(2) *No court shall take cognizance of any offence punishable under rule 199 or under rule 204 or under clause (a) of sub-rule (2) of rule 206 unless there is a complaint made by order of, or under authority from the Governor.”*

11. A perusal of the above noted Rule and Rules 199, 204 and 206 clearly show that the same would apply only to election officials, such as, Returning



Officers etc., for breaches or the commission of electoral offences which have been detailed therein. Action if any, would have to be at the instance of the Governor and this too, would only be against the concerned officials alleged to have committed such offences and not generally. In the instant writ petition, apart from generalisation of the issues, without any specific pleadings and in the absence of any coherent reasons, this writ petition is held to be not maintainable and as such, is liable to be dismissed at this stage itself.

12. Accordingly, for the reasons aforesaid, the writ petition is not entertained and is accordingly dismissed.

Judge