GAHC010063452026

2026:GAU-AS:10223

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

Case No. : WP(C)/1906/2026

AIN UDDIN AND 25 ORS
S/O- BAHAR UDDIN

2: NAJIM UDDIN
S/O- BAHAR UDDIN

3: SUNAM UDDIN
S/O- BAHAR UDDIN

4: MONILA BEGOM
W/O- NIJAM UDDIN

5: RUSNA BEGOM
W/O- AIN UDDIN

6: PARVEN BEGOM
W/O- ENAM UDDIN

7: MAYARUN NESSA
D/O- BAHAR UDDIN

8: JOYTURA BIBI
W/O- LATIF ALI

9: BEGAM BIBI
W/O- ABDUL SOTTER

10: RABIYA BEGAM
D/O- LATIF ALI

11: AJAMA BEGAM
D/O- LATIF ALI

12: SUNAI BEGOM

W/O- SOLAM UDDIN

13: NASIR UDDIN
S/O- JOYAID ALI

14: KUTI BIBI
W/O- NASIR UDDIN

15: ROPIYA BEGOM
D/O- NAJAM UDDIN

16: ABDUL HAKIM
S/O- NASIR UDDIN

17: HASNA BEGAM
W/O- IYASIN ALI

18: SAYA BIBI
W/O- MATIN ALI

19: MATIN ALI
S/O- LATE KHUSHID ALI

20: ASMA BEGAM
W/O- NIYAJ ALI

21: NIYAJ UDDIN
S/O- MATIN ALI

22: SAHAN UDDIN
S/O- MATIN ALI

23: HAZIRA GEOM
W/O- TAJ UDDIN

24: TAJU RAHMAN
S/O- LALOI BIBI

25: SHARIFJAN BIIBI
W/O- FAKOR UDDIN

26: FAKAR UDDIN
S/O- HABOI ALI
ALL ARE THE RESIDENT OF VILL. MANIKBOND PUNJEE
P.O. MANIKBOND

DIST.- SRIBHUMI
ASSAM

PIN- 78872

VERSUS

THE ELECTION COMMISSION OF INDIA AND 4 ORS
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER,, NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

2:THE CHIEF ELECTORAL OFFICER
ASSAM
DISPUR
GUWAHATI- 781006

3:THE DISTRICT ELECTION OFFICER-CUM- DISTRICT COMMISSIONER
SRIBHUMI DISTRICT
ASSAM

4:THE ELECTORAL REGISTRATION OFFICER
125 PATARKANDI LEGISLATIVE ASSEMBLY CONSTITUENCY
DISTRICT- SRIBHUMI
ASSAM

5:THE BOOTH LEVEL OFFICER
POLLING STATION NO. 211
125 PATARKANDI LEGISLATIVE ASSEMBLY CONSTITUENCY
DISTRICT- SRIBHUMI
ASSA

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

Advocate for the petitioner (s) : Mr. H. A. Laskar, Advocate

Advocate for the respondent (s): Ms. S. Katakey, SC, ECI

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 24.07.2026

Whether the pronouncement is of the
Operative part of the judgment? : Yes

Whether the full judgment has been
Pronounced? : No.

JUDGMENT AND ORDER (ORAL)

Heard Mr. H. A. Laskar, the learned counsel appearing on behalf of the Petitioners. Ms. S. Katakey, the learned counsel appears on behalf of the Respondent Nos.1 to 5.

2. The present writ petition has been filed by 26 Petitioners, being aggrieved by the exclusion of their names from the voters' list of Polling Station No.211 under the 125 Patharkandi Legislative Assembly Constituency in the district of Sribhumi, though their names were included in the Final Electoral Roll dated 10.02.2026.

3. This Court duly takes note that, upon notice being issued by this Court on 02.04.2026, an affidavit-in-opposition has been filed by the Respondent Nos.1 to 5, wherein it is stated that on the basis of the Booth Level Officer App, it was found that the Petitioners were no longer ordinarily residing at the addresses recorded in the Electoral Roll and had permanently shifted. It is also stated that, pursuant thereto, notices were issued and as the Petitioners were no longer ordinary residents and had not appeared pursuant to the said notices, their names were deleted from the Electoral Roll. The orders pertaining to all the Petitioners, all dated 21.02.2026, have been collectively enclosed

to the affidavit-in-opposition and marked as Annexure-1 (Series).

4. Mr. H. A. Laskar, the learned counsel appearing on behalf of the Petitioners submitted that not only the Petitioners still continue to reside in the said addresses, but there were no notices even issued which is the requirement of law in terms with Rule 26 of the Registration of Electors Rules, 1960. He further submitted that the Petitioners still maintain all documents which would show that the Petitioners are ordinary residents of the locality where their Electoral Rolls have been prepared.

5. This Court has given an anxious consideration to the respective submissions as well as the pleadings. Disputed questions of fact arises as to whether the Petitioners are ordinary residents of the area where their names were enrolled in the Electoral Roll or for that matter as to whether the Petitioners were evicted as has been mentioned in the orders enclosed to the Annexure-1 Series to the affidavit-in-opposition, taking note of the fact against an order passed under Section 22 of the Representation of the People Act, 1950, an Appeal lies to the District Magistrate or the Additional District Magistrate or the Executive Magistrate or the District Collector or an officer of equivalent rank in terms with Section 24A of the Representation of the People Act, 1950, it is the opinion of this Court that the Petitioners should be granted an opportunity to place the

necessary materials before the Appellate Authority so that a decision can be rendered by the Appellate Authority on the question of facts referred to herein above.

6. This Court further takes note of that Rule 27 of the Registration of Electors Rules, 1960 which stipulates the manner in which an Appeal has to be filed and within what time such Appeal is required to be filed. This Court further takes note of that the Petitioners claim that they were unaware of the orders which enclosed as Annexure-1 Series to the affidavit-in-opposition. The Petitioners have also been bonafidely litigating in the present proceedings.

8. Accordingly the writ petition stands disposed of with the following observations and directions:-

(i) The Petitioners are granted liberty to file respective Appeal before the District Magistrate/the District Election Officer/the District Collector/the District Commissioner of Sribhumi in terms with Section 24A of the Representation of the People Act, 1950 read with Rule 27 of the Registration of Electors Rules, 1960.

(ii) The Petitioners are granted 20 days from today to file the Appeal in the manner prescribed in Rule 27 of the Registration of Electors Rules, 1960, and if such an Appeal

is preferred, the said Appeal be considered by the District Magistrate/the District Election Officer/the District Collector/the District Commissioner of Sribhumi without insisting on the question of limitation.

(iii) This Court further directs the District Magistrate/the District Election Officer/the District Collector/the District Commissioner of Sribhumi to dispose of the said Appeals preferably within a period of 60 days from the date of submission of such Appeals.

(iv) The present judgment shall not prejudice the Petitioners.

JUDGE

Pradip Kumar Kalita

Digitally signed by Pradip Kumar Kalita
Date: 2026.07.30 12:24:46 +05'30'

Comparing Assistant