

GAHC010081042026



2026:GAU-AS:5825

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

Case No. : WP(C)/2230/2026

RAHUL ROY
(S/O- SRI GAUTAM RAY) CANDIDATE, LAC-121, HAILAKANDI, R/O- ROYS
VILLA, UKILPATTY, SILCHAR, P.O. SILCHAR,, DIST. CACHAR, ASSAM, PIN-
788001

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY, DISPUR, GUWAHATI-6

2:THE ELCTION COMMISSION OF INDIA
HEADED BY THE CHIEF ELECTION COMMISSIONER OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

3:THE CHIEF ELECTORAL OFFICER
ASSAM
JANATA BHAWAN
BLOCK C

4TH FLOOR

DISPUR
GUWAHATI- 781006

4:THE DISTRICT ELECTORAL OFFICER
HAILAKANDI DISTRICT

HAILAKANDI

5:THE RETURNING OFFICER

LAC-121
HAILAKANDI CONSTITUENCY

6:THE GENERAL OBSERVER
HAILAKANDI ELECTION DISTRICT
HAILAKANDI

7:THE GENERAL OBSERVER
ELECTION COMMISSIONER OF INDIA
NIRVVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

8:THE OFFICER-IN-CHARGE
KATLICHERRA POLICE STATION
HAILAKANDI
ASSAM
PIN- 78816

For the Petitioner(s) : Mr. A. K. Purkayastha, Advocate
: Ms. S. B. Choudhury, Advocate

For the Respondent(s) : Ms. S. Katakey, SC, ECI
: Mr. B. Gogoi, Addl. AG, Assam

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 27.04.2026

Heard Mr. A. K. Purkayastha, the learned counsel appearing on behalf of the Petitioner and Mr. B. Gogoi, the learned Additional Advocate General, Assam appearing on behalf of the Respondent Nos. 1 and 8. I have also heard Ms. S. Katakey, the learned Standing counsel appearing on behalf of the Respondent Nos. 2, 3, 4, 5, 6 and 7.

2. The Petitioner herein who is a candidate of the LAC-121 Hailakandi from the Indian National Congress Party has filed the instant writ petition seeking declaration that the election held on 09.04.2026 was not fair and the said election should be cancelled and further has also questioned the impugned ex-parte decision dated 10.04.2026. The Petitioner has also sought for various other reliefs which are consequential to the reliefs as mentioned at Serial No.(A) to the writ petition.

3. It is well settled that in view of Article 329(b) of the Constitution of India, no election to either House of Parliament or to the Houses or either House of the Legislature of a State can be called in question except by way of an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

4. The law in that regard is the Representation of the People Act, 1951 which stipulates the manner and the procedure by which an election petition is required to be filed. Section 100 of the Representation of the People Act, 1951 specifically details out the grounds under which an election can be declared to be void.

5. Under such circumstances, in view of the bar contained in

Article 329(b) of the Constitution of India as well as the provisions of the Representation of the People Act, 1951, this Court is of the opinion that the instant writ petition is misconceived and accordingly, the writ petition stands dismissed.

6. This Court further observes and directs that the dismissal of the instant writ petition shall not prejudice the Petitioner in the circumstance the Petitioner seeks to initiate any proceedings in terms with the Representation of the People Act, 1951, if so advised.

JUDGE

Comparing Assistant