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

Case No. : WA/372/2026

PARBINA YESMIN AND 3 ORS
DAUGHTER OF ATAUR RAHMAN VILLAGE-DALGAON KHUTI, PO-DALGAON, PS-DALGAON, DISTRICT- DALGAON (ASSAM), PIN-784116

2: SAIJUDDIN AHMED
SON OF OSMAN ALI
VILLAGE- NO. 5 BARUAJHAR
PS- DALGAON
PO- CHAKRABASTI
DISTRICT- DARRANG (ASSAM)
PIN- 784116

3: ABDUL WAHID
SON OF AZIM UDDIN
VILLAGE- KAHIBARI
PS- DALGAON
PO- JANGALPARA
DISTRICT- DARRANG (ASSAM)
PIN- 784116

4: RANJU RAWSANARA BEGUM
WIFE OF ABDUL HOQUE
VILLAGE- JAMALPUR
PO- DALGAON
PS- DALGAON
DISTRICT- DARRANG (ASSAM)
PIN- 78411

VERSUS

DILOWARA BEGUM AND 13 ORS
WIFE OF BAHARUL ISLAM VILLAGE-KAKALBHANGI JOGIGAON PO-DALGAON, PS-DALGAON DISTRICT-DARRANG (ASSAM), PIN-784116

2:NAZRUL ISLAM
SON OF ABUL HUSSAIN VILLAGE-DOWAR PARA
PS-DALGAON 3 PO-JANGALPARA
DISTRICT-DARRANG ASSAM
PIN-784116

3:SAHNAJ PARBIN
WIFE OF IBRAHIM ALI AHMED VILLAGE-KAKALBHANGI JOGIGAON PO-DALGAON
PS-DALGAON DISTRICT-DARRANG ASSAM PIN-784116

4:AKHTARA SARKAR
WIFE OF ABDUR RAFIQUE VILLAGE-SARISABARI
PS-DALGAON PO-JANGALPARA
DISTRICT-DARRANG ASSAM
PIN-784116

5:MARJINA BEGUM
WIFE OF ABDUR ROUF VILLAGE-BATABARI
PS-DALGAON PO-CHAKRABASTI
DISTRICT- ASSAM
PIN-784116

6:SHAHNAZ BEGUM
WIFE OF MANJUR HUSSAIN AHMED VILLAGE- NO.5 BARUAJHAR
PS-DALGAON PO-CHAKRABASTI
DISTRICT-DARRANG ASSAM
PIN-784116

7:THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-06

8:THE DISTRICT COMMISSIONER
DARRANG
DIST-DARRANG
ASSAM
PIN-784125

9:THE CHIEF EXECUTIVE OFFICER
DARRANG ZILLA PARISHAD
PO AND PS-MANGALDOI
DIST-DARRANG
ASSAM
PIN-784125

10:THE CO-DISTRICT COMMISSIONER
DALGAON CO-DISTRICT
PO AND PS-DALGAON
DIST- DARRANG
ASSAM
PIN-784116

11:THE CIRCLE OFFICER
DALGAON REVENUE CIRCLE
PO AND PS-DALGAON
DIST-DARRANG
ASSAM
PIN-784116

12:THE EXECUTIVE OFFICER
BECHIMARI ANCHALIK PANCHAYAT
PO-BECHIMARI
PS-DALGAON
DIST-DARRANG
ASSAM
PIN-784116

13:THE SECRETARY
5 NO BARUAJHAR GAON PANCHAYAT
VILLAGE-DALGAON KHUTI
PO-DALGAON
PS-DALGAON
DIST-DARRANG
ASSAM
PIN-784116

14:AJIT KALITA
ACS
CO-DISTRICT COMMISSIONER
DALGAON CO-DISTRICT
DIST-DARRANG
ASSAM
PIN-78411

For the petitioner(s)/appellant(s):Mr. M.K. Hussain, Advocate
Mr. A. Gautam, Advocate

For the Respondent(s) :Mr. H.R.A. Choudhury, Sr. Advocate
Mr. A.M. Ahmed, Advocate
Mr. S. Dutta, SC, P&RD
Ms. U. Sharma, Jr. GA, Assam

–B E F O R E –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

09.10.2026
(Ashutosh Kumar, CJ)

We have heard Mr. M.K. Hussain, learned Advocate for the appellants; and Mr. H.R.A. Choudhury, learned senior Advocate for the respondents No. 1 to 6; Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development Department, Assam, for respondents No. 7, 9, 12 and 13; and Ms. U. Sharma, learned Junior Government Advocate, Assam, for respondents No. 8, 10 and 11.

The judgment under challenge in the present appeal is dated 08.09.2026, passed by a learned Single Judge of this Court in WP(C) No. 3068/2026.

In the Panchayat elections of Burajhar Gaon Panchayat in the district of Darrang, Assam, the appellants as well as the respondent No. 1 to 6 herein were elected as Ward Members. They took oath on 02.07.2025 and, in that meeting, the appellants got proposed and elected as the President and Vice-President of the said Gaon Panchayat. Since there was no other proposal for election of any other Members for the said posts, except the appellants, no formal election was held.

Immediately thereafter, the respondents No. 1 to 6 questioned the election of the appellants as the President and Vice-President of the Gaon Panchayat on the ground that they had been made to sign the documents under coercion and threat. On the very day of the election of the appellants as the President and the Vice-President, a complaint was made by the respondents No. 1 to 6 before the District Commissioner, Darrang and, later, an appeal was also filed invoking Section 11 of the Assam Panchayat Act, 1994 (hereinafter referred to as "Act of 1994"), seeking cancellation of the resolution declaring the appellants as President and Vice-President of the Panchayat.

The District Commissioner, Darrang, had entrusted the matter to the Co-District Commissioner, Dalgaon, who passed a speaking order rejecting the allegation of the respondents No. 1 to 6 of being subjected to coercion, and upheld the election of the appellants as the office bearers.

Thereafter, a writ petition came to be filed by the respondents No. 1 to 6, vide WP(C) No. 3068/2026, questioning the order passed by the Co-District Commissioner referred to above. This time, a wider complaint was raised by the respondents, namely, that the election of the appellants had not been conducted in accordance with Rule 46 (sub-Rules 4 to 6) of the Assam Panchayat (Constitution) Rules, 1995 (hereinafter referred to as "Rules of 1995") and that the Co-District Commissioner had no jurisdiction under Section 11 of the Act of 1994 to decide the appeal. This could have been done only by the District Commissioner. Otherwise also, the earlier order passed by the Court also specifically directed the District Commissioner to decide the issue.

The learned Single Judge, vide the impugned judgment has held that Section 11 of the Act of 1994 empowers only the Deputy Commissioner, who now is known as District Commissioner, to decide the validity of the election of President and Vice-President of a Gaon Panchayat. The Act itself does not define "District Commissioner", but Rule 2(g) of the Rules of 1995 defines as "District Commissioner of a District".

The learned Single Judge also found that there was a specific direction in the earlier High Court order requiring the District Commissioner to decide the issue himself by adverting to the representation/appeal preferred by the respondents No. 1 to 6 and, therefore, the issue could not have been delegated to the Co-District Commissioner. It was also found out by the learned Single Judge that, apart from the delegation not being correct, the Co-District Commissioner did not at all address himself to the specific allegations made by the respondents No. 1 to 6.

Thus, on the ground of lack of jurisdiction of the Co-District Commissioner to decide the issue, the order passed by the Co-District Commissioner was set aside and the District Commissioner, Darrang, was directed to appoint an authorised officer to conduct fresh election of the President and Vice-President of the concerned Gaon Panchayat, strictly in accordance with Rule 46 of the Rules of 1995. The entire exercise was directed to be completed within a period of 30 days of the service of a certified copy of the judgment.

By the impugned judgment, it was also directed that the fresh election shall be held in the office of the Executive Officer of Bechimari Anchalik Panchayat and that pending the fresh elections, all financial decision of the Gaon Panchayat would be taken only with the concurrence of the Co-District Commissioner, Dalgaon.

The learned counsel for the appellants has submitted that the definition of "District Commissioner" also includes a Co-District Commissioner, or another officer and, therefore, the insistence on the issue being decided by the District Commissioner only is not in accord with the provisions of the Act.

That apart, by the impugned judgment, the District Commissioner has been asked to appoint an authorised officer to conduct a fresh election.

In that view of the matter, since there has been a direction to conduct fresh election in the office of the Executive Officer, Bechimari Anchalik Panchayat, under the supervision of an officer authorised by the District Commissioner, we are of the view that interest of the Gaon Panchayat in question and its continuity shall be better subserved if we uphold the judgment of the learned Single Judge in its entirety, without going into the question of wrong delegation.

Since the parties are not aware whether the District Commissioner concerned was made known of the judgment as also the directions issued by the learned Single Judge, we direct the appellants to immediately furnish a

certified copy of the judgment impugned in the present appeal, to the District Commissioner, Darrang, who shall appoint/authorise an officer to conduct fresh election, if not already done, as directed by the learned Single Judge, within a period of 30 (thirty) days, to be counted from today.

We endorse and reiterate the directions that pending the fresh election, all financial decision of the Panchayat will be taken by the appellants only with the concurrence of the Co-District Commissioner, Dalgaon.

This appeal stands disposed off with the afore-noted observations and directions.

JUDGE **CHIEF JUSTICE**

Comparing Assistant