GAHC030006532026

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

**Case No. : WP(C)/129/2026**

Fereintu Chakma
S/o Adi Chandra Chakma,
Village Council President,
55-Rengkashya Village Council, Rengkashya,
Lawngtlai District, Mizoram - 796891 2: Dibor Muni Tongchangya

3: Anil Bihari Chakma

4: Gyana Rattan Chakma

5: D. Bhadra Sen Chakm

VERSUS

The Chakma Autonomous District Council and 3 Ors
R/b Its Chief Executive Member,
Kamalanagar, Lawngtlai District, Mizoram - 796772 2:The Executive Member-in-Charge

3:The Local Administration Officer

4:The State of Mizora

**Advocate for the Petitioner** : Mr. Samuel L Pachuau

**Advocate for the Respondent** : AG/GA, Mizoram for R.4

**BEFORE**

**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**13.10.2026**

Heard Mr. Samuel L. Pachuau, learned counsel for the petitioners. Also heard Mr. Lalchhanliana Khiangte, learned counsel for the respondent Nos. 1 to 3 and Ms. Lalnunhlui, learned Government Advocate for the respondent No. 4.

**2.** The petitioner No. 5 is aggrieved with the Notification dated 19.08.2026 issued by the respondent No. 2, terminating him from the post of nominated Village Council Member of 55-Rengkashya Village Council, in exercise of the powers conferred under Section 7 of the Chakma Autonomous District Council (Village Councils) Act, 2003 *(hereinafter referred to as the '2003 Act')*. The petitioner Nos. 1 to 4, on the other hand, are aggrieved with the Notification dated 25.08.2026 issued by the respondent No. 1, wherein the conduct of the No Confidence Motion against the petitioner No. 1 as President of the Village Council was postponed to 28.08.2026. The writ petition has been filed on 27.08.2026, wherein the prayer for an interim order was made as follows:-

> "*1. Stay Memo No. H.11013/55/2025/CADC (LAD)/230 dated 25.08.2026.*
>
> *2. Restrain the Respondents from conducting the no-confidence vote fixed for 28.08.2026.*
>
> *3. Restrain the Respondents from accepting nominations and conducting,*

*declaring or giving effect to the election of President fixed for 28.08.2026.*

*4. Restrain the Respondents from treating absence of any member as an ex parte decision in the proposed no-confidence proceeding.*

*5. Stay the Notification dated 19.08.2026 and direct continuation/restoration of Petitioner No. 5 pending disposal.*

*6. Direct maintenance of status quo concerning the constitution and functioning of 55-Rengkashya Village Council.*

*7. Pass any other interim order deemed fit in the circumstances."*

**3.** This Court, vide Order dated 27.08.2026 had passed the following interim order as follows:-

"*Let this matter be re-listed on 03.09.2026 for consideration of the interim prayer.*

*Issue notice on the interim prayer, returnable on 03.09.2026.*

*Till the next date of listing, in the event of any No Confidence Motion being passed by the majority of the Village Council against the writ petitioners/the Village Council President and if the election as per the schedule notified in the Notification dated 25.08.2026 is undertaken, then the results of the said election shall not be given effect to till the next date of listing, which is 03.09.2026.*

*Re-list this matter for consideration of interim prayer on 03.09.2026."*

**4.** Subsequent to the Order dated 27.08.2026 passed by this Court, the No Confidence Motion was held on 28.08.2026, wherein none of the petitioners attended the said meeting in relation to the tabling of the No Confidence Motion on 28.08.2026, as the petitioners were in Aizawl and could not go back in time to Rengkashya Village. On the other hand, 4 (four) Village Council Members namely, Suddha Dhan Chakma, Surendra Chakma, Pushpa Mala Chakma and

Baran Muni Tongchang attended the No Confidence Motion proceedings, wherein the No Confidence Motion was passed and Suddha Dhan Chakma was elected as the new Village Council Member of the Village on 28.08.2026.

**5.** The brief facts of the case is that the administration of the Rengkashya Village is run by a 9 (nine) Member Village Council, 7 (seven) of whom are elected through adult suffrage, while 2 (two) Village Council Members are nominated members. Section 5 of the 2003 Act provides for removal of members of a Village Council, who due to serious illness, fails to attend 3 (three) consecutive meetings of the Village Council. Rule 5 of the 2003 Act is reproduced herein below:-

> "***5. Removal of Member:*** *Any member of the Village Council who due to serious illness fails to attend the three consecutive meetings of the Village Council shall be declared disqualified and his seat shall on receipt of such report from the President of the Village Council shall be declared vacant by the Executive Committee. The Executive Committee may make due inquiry if it thinks proper and necessary."*

**6.** Rule 7 of the 2003 Act provides that a nominated member to the Village Council, in accordance with the provisions of Section 3(4) of the 2003 Act, shall hold office at the pleasure of the Executive Committee. Section 2(6) of the 2003 Act provides that an Executive Committee means the Executive Committee of the Chakma Autonomous District Council.

**7.** The 2003 Act was amended by the Chakma Autonomous District Council (Village Councils) (Amendment) Act 2011 *(hereinafter referred to as the '2011 Act'),* which came into force on 18.04.2012. In terms of the 2011 Act, Section 5 of the 2003 Act was amended as follows:-

*"5. Removal of President, Vice President and Members of a village council-*

*(1) The President and the Vice President, if any, of a village council may be removed by a vote of No-Confidence passed by a majority of the members of the Village Council, showing reasonable grounds for such motion.*

*(2) A Member of a Village Council may be removed if he absents himself from attending Village Council meetings on three consecutive occasions, when convened by the President with due intimation to the Members."*

**8.** The amended Section 5 of the 2003 Act shows that the President and the Vice President of a Village Council can be removed by a vote of No Confidence passed by a majority of the members of the Village Council, showing reasonable grounds for such motion.

**9.** The respondent No. 2 had initially issued Notification dated 21.08.2023, calling for a motion of No Confidence Motion to be considered and passed on account of a majority of the Rengkashya Village Council submitting an application for removal of the Village Council President, i.e., petitioner No. 1. The contents of the Notification dated 21.08.2023 is reproduced herein below as follows:-

*"Whereas, majority members of Rengkashya, Village Council submitted an application for removal of the Village Council president of Rengkashya Village Council.*

*Now, therefore, the Executive Committee of the Chakma Autonomous District Council in pursuance of Section 8 (6) of the Chakma Autonomous District Council (Village Councils) Act, 2003 deemed it fit to conduct election of the President on 25/08/2026 as per programme schedule hereunder in which the leader of majority members shall be declared elected.*

*1) Filing of Nomination followed by*
*Scrutiny and Election : 12:30 P.M. to 1:00 P.M*

*Exparte decision shall be taken if any one of the members remain absent on the*

*scheduled hour and date.*

*(Vide Executive Committee, CADC approval dt: 20/08/2028)"*

**10.** The respondent No. 1 thereafter issued Notification dated 25.08.2023, postponing the tabling of the No Confidence Motion to 28.08.2026, due to unavoidable circumstances, which was not clarified. The contents of the Notification dated 25.08.2023 is reproduced herein below as follows:-

"*Whereas Memo No. the notification issued vide H.11013/55/2025/CADC(LAD)/228 dated K/nagar, the 21st August, 2026 the date of election of the Village Council President of Rengkhasya have been fixed on 25/08/2026 on ground of no-confidence motion. But, now due to unavoidable circumstances, the date of the election of the Village Council President of Rengkashya Village Council has been rescheduled on 28th August, 2026.*

*Whereas, Section 4(1) of the CADC (Village Councils) (Amendment) Act, 2011 envisaged that "The Village Council President, if any of a Village Council may be removed by a vote of No-Confidence passed by a majority of members of the Village Council, showing reasonable ground for such motion".*

*Now, therefore, in pursuance of Section 8(1) of the Chakma Autonomous District Council (Village Councils) Act, 2003 as amended in 2011, it deems necessary to conduct a vote of no-confidence on 28/08/2026 to ascertain actual majority support of the members as per program scheduled below:-*

*1. Vote of No-Confidence Motion : 12:00 noon to 12:30 PM*

*2. Filing of Nomination : 12:30 PM to 1:00 PM*

*3. Election of the VCP : 1:00 PM to 1:30 PM*

*Exparte decision shall be taken if any one of the Member of Village Council remain absent on the schedule time & date.*

*(Vide Chief Executive Member, CADC approval dt. 25/08/2026)"*

**11.** The five writ petitioners then filed the writ petition challenging the Notification dated 19.08.2026 and 25.08.2023 on 27.08.2026, where notice on the interim prayer was issued, to be heard on 03.09.2026. However, the No Confidence Motion was apparently passed on 28.08.2026 and a new Village Council President elected by 4 (four) out of the 8 (eight) Village Council Members, as the petitioner No. 5 had been removed as a nominated Village Council Member on 19.08.2026.

**12.** With respect to the petitioner No. 5, the respondent No. 2 issued a Show Cause Notice dated 14.08.2023, asking him as to why necessary action should not be taken against him, as it was reported that his conduct and behaviour as a Village Council Member was not cordial with the general public, which was not befitting for better administration of the Village Council. The contents of the Show Cause Notice dated 14.08.2026 is reproduced herein below as follows:-

> "*Subject:* ***Show Cause Notice.***
>
> *It is reported that your conduct and behaviour as a member of Village Council is not cordial with the village council general public which is not befitting for better administration of the village council and such behaviour is viewed seriously.*
>
> *Now therefore, you are hereby asked to explain as to why necessary action shall not be initiated against you as per provision of relevant rules laid under the Chakma Autonomous District Council (Village Councils) Act, 2003.*
>
> *Your explanation should reach to the undersigned on or before 18/08/2026 failing which necessary action shall be initiated against you without further notice.*
>
> *(Vide Executive Committee decision Dt. 14/08/2026)."*

**13.** The petitioner No. 5 thereafter made a reply to the Show Cause Notice

dated 14.08.2023, stating that the allegation that his conduct and behaviour was not cordial with the general public was vague, baseless and without any specific factual particulars. The notice did not mention any specific incident, date, place, act or omission on the part of petitioner No. 5, nor did it specify the particular provision of the Act or Rules allegedly violated by the petitioner. The petitioner No. 5 also stated in his reply that he had always discharged his responsibilities to the best of his ability and had never acted against the interest of the Village Council or the general public or the law. As such, he requested that the proceedings should be dropped against him. However, the respondent No. 2 issued the impugned Notification dated 19.08.2026, terminating the membership of petitioner No. 5 from the post of a nominated Village Council Member under Section 7 of the 2003 Act, which was done with the approval of the Executive Committee.

**14.** Being aggrieved with the termination of the petitioner No. 5 from being a nominated member of the Village Council and due to the conduct of the No Confidence Motion to be held against the petitioner No. 1, the 5 (five) petitioners, 1 (one) nominated Village Council Member and the other 4 (four) elected Village Council Members have filed the present writ petition. As such, it is not understood as to how the respondents were of the view that a majority of the Village Council Members wanted a No Confidence Motion to be passed against the petitioner No. 1, as the 5 (five) petitioners are in the majority, out of the 9 (nine) Member Village Council. As stated earlier, this Court, vide Order dated 27.08.2026 had fixed 03.09.2026 for consideration of the interim prayer. On the other hand, this Court had allowed the No Confidence Motion to take place, but had directed that the results were not to be given effect to till

03.09.2026. On 03.09.2026, the learned counsel for the respondent Nos. 1 to 3 had appeared and had taken time to file counter affidavit. The interim order has thus continued till today.

**15.** As can be seen from the above facts, the question to be decided is, as to whether the removal of the petitioner No. 5 from being a nominated member of the Village Council, was in consonance with Section 7 of the 2003 Act. The other issue to be decided is, as to whether the No Confidence Motion tabled against the petitioner No. 1, was in consonance with the amended Section 5 of the 2003 Act.

**16.** With regard to the removal of the petitioner No. 5 from being a nominated member of the Village Council, the Show Cause Notice dated 14.08.2026 issued to the petitioner No. 5, shows that he had been asked to explain his conduct and behaviour which was not cordial, without any particulars or specifics or particular incident being provided by the respondents, to enable him to explain his behaviour and conduct, which was allegedly not in the interest of the Village Council or the general public. The reply to the Show Cause Notice dated 17.08.2026 shows that the petitioner No. 5 had asked for particular incidents and specifics with regard to the vague allegations made against him. Instead of providing specific incidents and particulars with regard to the allegations made in the Show Cause Notice, the petitioner No. 5 was removed from the post of nominated member of the Village Council under Section 7 of the 2003 Act, which is based on the Doctrine of Pleasure. Though the Pleasure Doctrine has been exercised, the same is found to be arbitrary, as the contents of the Show Cause Notice is stigmatic.

**17.** Section 7 of the 2003 Act provides that a nominated member of the Village Council can be removed from office at the pleasure of the Executive Committee. This Court is well aware that no reasons need to be given while exercising the pleasure doctrine by the persons/authority, who nominated the Village Council Member. This Court would not have anything much to say, if the pleasure doctrine had been exercised simpliciter, without the impugned order dated 19.08.2026 being stigmatic. In the present case, the Show Cause Notice issued to the petitioner No. 5 speaks of his conduct and behaviour as a Village Council Member, which was viewed seriously by the Executive Committee. As such, when the Show Cause Notice had made certain allegations in respect of the petitioner No. 5's conduct and behaviour not being proper, the removal of the petitioner from his post due to the above allegation without any specifics being provided to the petitioner No. 5, to enable the petitioner No. 5 to make a rebuttal/explanation to the same, in the view of this Court, hits at the very principles of natural justice. Though the pleasure doctrine can be applied, the manner in which it has been applied is stigmatic. As such, this Court is constrained to hold that the removal of the petitioner No. 5 from being a nominated member of the Village Council is arbitrary and violative of Article 14 of the Constitution of India.

**18.** With regard to the conduct of the No Confidence Motion against the petitioner No. 1, the affidavit-in-opposition of the respondent Nos. 1 to 3 shows that a meeting was convened in the office of the Local Administrative Department on 28.08.2026, which was attended by 4 (four) Village Council Members, namely, Suddha Dhan Chakma, Surendra Chakma, Pushpa Mala Chakma and Baran Muni Tongchang, while all the remaining 5 (five) members of

the Village Council (petitioner Nos. 1 to 5) remained absent. The proceedings of the No Confidence Motion and election of Suddha Dhan Chakma as the new President of the Village Council, which was recorded in the office note sheet and annexed to the affidavit of the respondent Nos. 1 to 3 at Annexure-8, states as follows:-

"*Please be it seen:-*

*In pursuance of notification issued vide Memo No. H.11013/55/2025/CADC/ (LAD)/230 dated Kamalanagar, the 25th August, 2026 regarding motion of no-confidence against Shri. Fereintu Chakma, the existing VCP of Rengkasya Village Council, the following Members of Village Council, Rengkasya attended office:*

*1. Suddha Dhan Chakma, VCM*

*2. Surendra Chakma, VCM*

*3. Pushpa Mala Chakma, VCM*

*4. Baran Muni Tongchang, VCM*

*out of total 8 (eight) existing Village Council Members of Rengkasya Village Council, the above 4 (four) Members of Village Council attended office in the motion of No-Confidence and the other Members of Village Council remained absent to defence the post of VCP.*

*Among the above present Members of Village Council of Rengkasya, Shri Suddha Khan Chakma has been elected as their new VCP of Rengkasya as uncontested which to be decided on ex-parte principle as per guideline of office notification issued on 25/8/2026*

*Therefore, approval of the VCP of Rengkasya may be accorded in the name of Shri. Sufha Dhan Chakma, VCM*

*Put up for decision please*

*Sd/-28/8/26*

*For kind approval please*

*Sd/-28/8/26*

*EM/CEM*

*Put up the file along with recent High Court order.*

*Sd/-28/8/26*

*ES/LAO"*

**19.** As stated by the learned counsel for the respondent Nos. 1 to 3, the entire proceedings of the No Confidence Motion and election of the new Village Council President, Suddha Dhan Chakma, is in Annexure-8 of the affidavit of the respondent Nos. 1 to 3. The respondent authorities should not have continued with the tabling of the No Confidence Motion, especially when the interim prayer for staying the Memo dated 25.08.2026, postponing the holding of the No Confidence Motion on 28.08.2026, was to be held on 03.09.2026. The respondents should have also given some more time to the petitioners to participate in the No Confidence Motion, when the matter was subjudice. The respondents should have also given the petitioner No. 1 the reasons for tabling the No Confidence Motion. However, the same was not done.

**20.** A perusal of the proceedings of the No Confidence Motion, which was held on 28.08.2026 against the petitioner No. 1, shows that reasonable grounds for conducting the No Confidence Motion against the petitioner No. 1 has not been discussed/deliberated upon and considered by the members present at the time of conducting the No Confidence Motion. In fact, there is no agenda made regarding the reasonable grounds, which necessitated the tabling of the No Confidence Motion.

**21.** A perusal of Annexure-8 of the affidavit of the respondent Nos. 1 to 3 does not contain a whisper of any grounds for conducting the said No Confidence Motion, let alone a reasonable ground. In fact, the contents of the

Notification dated 21.08.2023, while calling for removal of the Village Council President has also directed the filing of nomination for the post of President of the Village Council. The same implies that a decision had been already taken by the respondents to pass the No Confidence Motion and appoint a new Village Council President, come what may.

**22.** On account of there being a mandatory requirement in the amended Rule 5(1) of the 2003 Rules, wherein reasonable grounds for moving a No Confidence Motion has to be enumerated/shown and discussed by the members present, it was incumbent upon the respondents to give an opportunity to the petitioner No. 1 to be heard in respect of any allegation/ground which necessitated the conduct of the No Confidence Motion. They should have made some semblance of there being a discussion as to why the petitioner No. 1 should be removed from the post of President of the Village Council through a No Confidence Motion, in terms of Section 5(1) of the amended 2003 Rules. When the said mandatory condition/basis for tabling the No Confidence Motion on 28.08.2026 is absent, as can be seen from Annexure-8 of the affidavit of the respondent Nos. 1 to 3, this Court holds that the result of the No Confidence Motion is not valid, as it has not been made in compliance with Section 5(1) of the 2003 Act. Thus, it cannot have any effect, in the absence of the condition precedent for conducting the No Confidence Motion. It should also be remembered that in the case of ***Mohinder Singh Gill Vs. Chief Election Commissioner,*** reported in ***(1978) 1 SCC 405,*** the Supreme Court has held that an administrative order must be judged strictly by the reasons stated in the order and cannot be supplemented, improved or cured by fresh reason introduced later by affidavit. Further, when this Court had directed a hearing on

the interim prayer to be held on 03.09.2026, vide Order dated 27.08.2026, the respondents should have informed the petitioners that the No Confidence Motion was still being tabled on 28.08.2026. The same not being done, the same is hit by the principle of natural justice, as the petitioners were unable to participate in the same. If the petitioners had participated in the proceedings, in all likelihood, the No Confidence Motion may not have been passed, keeping in view the number of petitioners vis-a-vis the other remaining Village Council Members. Further, the question as to whether a nominated Village Council Member can vote in a No Confidence Motion may also be an issue, which may need to be decided.

**23.** The above being said, it is surprising that the respondents have acted upon the No Confidence Motion passed against the petitioner No. 1, as can be seen from the proceedings of the No Confidence Motion held on 28.08.2026, wherein Suddha Dhan Chakma has been elected as the new Village Council President of the Village. Though there is nothing mentioned in the proceedings (Annexure-8) of the No Confidence Motion held on 28.08.2026, to the effect that the No Confidence Motion against the petitioner No. 1 had been passed, the election of Suddha Dhan Chakma as the new Village Council President of the Village implies that the No Confidence Motion had been passed and action taken subsequent to the same. This is in total violation of the interim Order dated 27.08.2026 passed by this Court, wherein it had directed that the results of the election was not to be given effect to. Be that as it may, the actions of the respondents against the petitioners are set aside, for reasons already stated in the foregoing paragraphs.

**24.** Accordingly, the result of the No Confidence Motion that was held on

28.08.2026 against the petitioner No. 1, allegedly removing him from the post of Village Council President of 55-Rengkashya Village Council is hereby set aside. The removal of the petitioner No. 5 from being a nominated member of the Village Council is also set aside, as the same was stigmatic and arbitrary. Consequently, the petitioners shall continue to be Village Council Members of 55-Rengkashya Village Council and the election to the post of Village Council President shall be held immediately and not later than 10 (ten) days from the date of receipt of a certified copy of this order by the respondents.

**25.** The above being said, the respondents are given the liberty to issue a fresh Show Cause Notice to the petitioner No. 5, giving the particulars/specifics with regard to the allegations of his conduct and behavior not being in the interest of the Village Council of the Village, to enable the petitioner to make a proper reply to the same. The notice issued to the petitioner No. 5 would have to be meaningful and cannot be perfunctory, when the reason for removal of the petitioner No. 5 from being a nominated Village Council Member is due to some allegation, which must be specified.

**26.** The respondents are also not precluded from tabling a fresh No Confidence Motion against the petitioner No. 1, provided the provisions of the 2003 Rules are complied with in toto. However, in the event of the respondents intending to table a fresh No Confidence Motion against the petitioner No. 1, the petitioners should be given a reasonable opportunity and time to attend the said proceedings, besides the petitioner No. 1 being given the opportunity to be heard against the reasons for holding/tabling the No Confidence Motion.

**27.** In view of the reasons stated above, the Notifications dated 19.08.2026, 21.08.2026, 25.08.2026 and all subsequent actions and notifications taken in

relation to the above are set aside.

**28.** The writ petition is accordingly allowed.

**JUDGE**

**Comparing Assistant**