GAHC030008812026

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

Case No. : I.A.(Civil)/220/2026

Sh. Lawrence Vanlalruata and Anr
S/o C. Lalremruata, Thenzawl Vengthar, Serchhip District Mizoram - 796186

VERSUS

The State of Mizoram and 6 Ors.
R/b the Chief Secretary to the Govt. of Mizoram, MINECO, Aizawl - 796001

Advocate for the Petitioner : Mr C Lalramzauva Sr. Adv.

Advocate for the Respondent : Addl. AG/GA, Mizoram for R 1-6

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

10.11.2026

Heard Mr. J.Malsawmzuala Vanchhawng, learned counsel for the applicants/writ petitioners, who submits that by filing this application, the applicants seek the stay of the Notification dated 05.11.2026 (Annexure-C) insofar as the election to the Village Council of Thenzawl Vengthar is concerned. Learned counsel for the applicants submits that the applicants

are also the writ petitioners and in fact they have challenged the Notification dated 18.09.2026, by which the Village Council has been dissolved with immediate effect and also the order dated 29.09.2026, by which the charge of the Village Council has been handed over to the Field Inspector concerned.

2. Learned counsel for the applicants submits that on 16.10.2026, this Court while issuing notice of motion, had directed that status-quo be maintained till the next returnable date. While the matter was listed on the next date i.e. on 29.10.2026, it was submitted on behalf of the respondents that time was required for filing affidavit-in-opposition and accordingly, time was granted. Learned counsel for the applicants inadvertently failed to make the submission for further extending the status-quo order on that day that was directed on 16.10.2026. In the meantime, the proforma respondent No.7 has issued the Notification dated 05.11.2026, declaring the election to the Village Council of Thenzawl Vengthar besides three other Village Councils.

3. Learned counsel for the applicants submits that the grounds for challenging the impugned Notification as well as the order is that a copy of the complaint that was submitted against the applicants/writ petitioners had not been furnished to them and that no opportunity of hearing was given to them prior to dissolving the Village Council as mandated under the proviso to Section 28(1) of the Mizoram (Village Councils) Act, 2025 (in short Act of 2025). He therefore, submits that there has been gross violation of the principles of natural justice and therefore, the applicants/writ petitioners being aggrieved had filed the writ petition. He submits that if fresh election is held to the Thenzawl Vengthar Village

Council, the very purpose of filing the writ petition would be frustrated and the petitioners would suffer irreparable loss and grave injustice.

4. Mr. J.C Lalnunsanga, learned Standing Counsel, Mizoram State Election Commission (respondent No.7) submits that the respondent No.7 is only a proforma respondent and they are nowhere concerned in the allegations and the dissolution of the Village Council. The respondent No.7 therefore, is only made as a proforma respondent and the elections have been announced in view of the fact that the Village Council concerned apart from the others are due for election as there are no elected members.

5. Ms. Lalnunhlui, learned Government Advocate appears for the State respondents and submits that she is awaiting instructions in the matter.

6. It is seen that no doubt this Court had issued status-quo on 16.10.2026, but somehow, the same was not continued on the next returnable date. Even, under such circumstances, it can be very well said that the matter being under consideration by this Court, the respondent authorities concerned ought not to have proceeded to announce fresh election to the Village Council concerned pending decision of this Court.

7. Under the circumstances, this Court is of the considered view that in view of the specific stand taken by the applicants about the violation of the principles of natural justice and the provisions duly provided under the Act of 2025, a case is made out for grant of interim stay.

8. Accordingly, the Notification dated 05.11.2026, insofar as the Thenzawl Vengthar Village Council is concerned, the same shall remain stayed till disposal of the writ petition.

9. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant