

(2021) 07 GAU CK 0091

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3195, 3252 Of 2021

Anjuma Ahmed

APPELLANT

Vs

State Of Assam And 14 Ors

RESPONDENT

Date of Decision : 16-07-2021

Acts Referred:

Assam Panchayat Act, 1994 — Section 15

Citation : (2021) 07 GAU CK 0091

Hon'ble Judges : Prasanta Kumar Deka, J

Bench : Single Bench

Advocate : A Chamuah

Judgement

Heard Mr.A. Chamuah, learned counsel appearing for the petitioner. Also heard Mr. M. Nath, learned Standing Counsel, Panchayat & Rural

Development Department appearing for respondent Nos. 1,3 and 4 , Mr. S. K. Ghosh, learned counsel for the Caveator respondent No.6 and Mr. C.

H. Hazarika, learned State counsel for respondent No. 2 .

In terms of the direction dated 1.7.2021 passed by this court, Mr. Nath produced the service report of the tax collector of Harirhat Gaon Panchayat.

From the said service report dated 15.5.2021 the notice dated 11.5.2021 was refused to accept by the petitioner. The said service report was in

respect of the notice dated 11.5.2021 issued by the Secretary, Harirhat Gaon Panchayat. The letter dated 18.6.2021 issued by the Deputy

Commissioner, Dhubri is also produced whereby in terms of letter dated 15.6.2021 issued by the Block Development Officer, Golokganj Development

Block and no confidence motion against the petitioner, one Sri P.P.Barman, ACS, Election Officer & Executive Magistrate, Dhubri was entrusted to

conduct meeting in obtaining secret vote pertaining to the no confidence motion on 21.6. 2021 in the office of the Block Development Officer,

Golokganj . A copy was endorsed to the present petitioner and in terms of the said endorsement the tax collector, Harirhat Gaon Panchayat vide his

report dated 20.6.2021 stated that the said letter dtd 18.6.2021 was refused to be accepted by the petitioner.

Mr. Chamuah on the other hand, submits that even if it is presumed that both the notices were refused by the petitioner even then there was no

compliance of the provision u/s 15 of the Assam Panchayat Act, 1994 prior to issuance of the letter dated 18.6.2021 by the Deputy Commissioner,

Dhubri. Mr. Ghosh on the other hand referring to the letter on 20.5.2021 issued by five of the Ward Members seeking for withdrawal of their support

to the no confidence motion sought, it is submitted that as stated in the writ petition at para 5 , the petitioner was aware in respect of the no confidence

motion dated 20.5.2021 as it is stated that from one of the ward members she could come to know about withdrawal of the support of the no

confidence motion by the five members. In view of the issue before this court raised in both the writ petitions, let notice be issued.

Mr. Nath accepts notice for respondent Nos. 1,3 and 4 , Mr. Hazarika accepts notice for respondent No. 2. Necessary extra copies be served on the

learned counsel for the respondents. As respondent No. 6 is also represented by Mr. Ghosh, the petitioner shall take steps on the private respondent

Nos. 5,6, 8 to 15 by registered post A/D within three days from today.

The necessary records in order to verify the compliance of Section 15 of Assam Panchayat Act, 1994 shall be produced on the next returnable date

fixing on 18.8.2021.Mr. Hazarika shall also enquire and produce the relevant record relating to these writ petitions from the office of the Deputy

Commissioner, Dhubri, if available.

The copy of the service report and the letters etc produced by Mr. Nath are kept on record.