

GAHC010044082023



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

PIL 25/2023

1. Monomohan Nath Laskar,
Son of Late Mahendra Nath Laskar
Resident of Ganigram Part III
PO- Mohadevpur, District- Cachar
PIN – 788025
2. Subrata Suklabaidya,

Son of late Kokil Suklabaidya
Resident of Ganigram Part III
PO- Mohadevpur, District- Cachar
PIN – 788025
3. Anamul Hoque Laskar
Son of Late Makram Ali Laskar,
Resident of Ganigram Part III
PO- Mohadevpur, District- Cachar
PIN – 788025
4. Tapash Sankar Das,
Son of Horendra Chandra Das
Resident of Sirpur Part II
PO- Ganigram Part II, District- Cachar
PIN – 788025
5. Rahim Uddin Laskar
Son of late Mafur Ali Laskar,
Resident of Ganigram Part I
PO- Ganigram Part II, District- Cachar
PIN – 788025

.....Petitioners

-Versus-

1. The State of Assam,
Represented by its Chief Secretary,
Government of Assam, Dispur,
Guwahati- 781006
2. The Principal Secretary to the
Government of Assam,
General Administration Department,
Dispur, Guwahati- 781006
3. The Deputy Commissioner, Cachar, Assam
4. The Deputy Commissioner, Hailakandi, Assam

.....Respondents

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

For the petitioners : Mr. M. Dutta, Advocate

For the respondents : Mr. P. Nayak, Addl. A.G., Assam
Ms. R.B. Bora,
Jr. Govt. Advocate, Assam
Mr. A.I. Ali, S.C., E.C.I.

Date of Hearing & Judgment : **24.02.2026**

JUDGMENT & ORDER (ORAL)

(Ashutosh Kumar, C.J.)

We have heard Mr. M. Dutta, learned Advocate for the petitioners and Mr. P. Nayak, learned Additional Advocate General, Assam assisted by Ms. R.B. Bora, learned Junior Government Advocate, Assam and Mr. A.I. Ali, learned Standing Counsel, Election Commission of India for the respondents.

2. The petitioners are citizens from Cachar district in Assam, who have questioned the correctness of the decision of the Government in transferring five villages, namely, Dudhpur Part-II, Mahadebpur (Mohanpur), Gonirgram Part-I, Gonirgram Part-III and Sirpur Part II from Cachar district to Hailakandi district by virtue of a Notification dated 31.12.2022.

Against the claim of the Government that this transfer of villages to another administrative unit in the district of Hailakandi was made for better law and order, easier communication and better public services, the petitioners volubly claim that such transfer would actually cause huge practical problems and hardships to common people residing in those villages. Most of the residents of the villages are poor farmers or daily wage workers and petty businessmen, who depend on public transport and government offices in Silchar, which is the Cachar Headquarter and nearby facilities.

With this transfer of the afore-noted five villages to the district of Hailakandi, the apprehension of the petitioners is that the villagers will

have to travel longer distances to reach either the Police Station or District Collector' Office, Education Block and Revenue Circle office etc. While doing so, they will have to cross the Barak River. There is no chain of communication from these villages to the Headquarter at Hailakandi district.

The other contention raised on behalf of the petitioners is that while undertaking this delimitation exercise, for no good explicable grounds were these villages chosen, leaving other contiguous/neighbouring villages, which could have formed chain with the villages already falling in Hailakandi district. The villages which are in geographical propinquity to the district of Hailakandi have been left un-transferred.

3. Mr. Dutta, learned Advocate for the petitioners, therefore, contends that such decision to transfer the afore-noted villages to Hailakandi district is arbitrary not based on any proper study or after any consultation.

They had held peaceful protest but it all went on deaf ears.

4. Mr. Nayak, learned Additional Advocate General, Assam, however, submits that this notification under challenge is by virtue of a decision taken on the Election Commission of India initiatives of delimitation of Assembly and Parliamentary constituencies in the State of Assam as provided under Section 8 A of the Representation of People Act, 1950, keeping the census figures of 2001 as the basis for re-adjustment of various constituencies. To conclude this exercise, the Election Commission designed and finalised its own guidelines and methodology for delimiting the constituencies. While undertaking that exercise, the Commission was

conscious of the physical features, the existing boundaries of administrative units, facility of communication, public convenience and as far as practicable, the constituency to be tagged as geographically compact area. A draft proposal also was published inviting suggestions and objections from the general public and only thereafter such delimitation exercise was carried out.

5. The sum and substance of the argument on behalf of the State countering the assertion of the petitioners that once the delimitation exercise was initiated and a proposed adjustment was published inviting objections whereafter the delimitation was notified, villagers of few of the villages would not have the authority to question such decision of their villages being linked to an administrative unit in Hailakandi district, in neighbouring district taking it away from Cachar district. The objection could have been filed or raised at an earlier stage. Mere hardships of a few villagers or inconvenience in reaching out to public offices would not be a ground to set at naught a considered decision of the Election Commission along with the Central and State Government Agencies for the purposes of clubbing villages under administrative units maintaining the geographical compactness of the constituencies.

6. The contention of the petitioners may be true that the change of the Headquarters, where the residents of such villages would now be required to visit, would definitely cause inconvenience but such inconvenience cannot be the reason for doubting that the Commission along with the Central and State agencies did not consider the relevant factors and calibrated those factors before taking a decision of

removing few villages from one district to another district.

There does not appear to be any merit in this PIL and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant