



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

Case No. : WP(C)/23/2026

MR. HUKHETO YEPTHOMI
AGED ABOUT 60 YEARS, S/O LATE LHOMITHI YEPTHOMI, HOUSE
NO. 193, LHOMITHI COLONY, DIMAPUR, NAGALAND.

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY -
SECRETARY, DEPARTMENT OF MUNICIPAL AFFAIRS, GOVT. OF
NAGALAND, KOHIMA, NAGALAND.

2:THE ADDITIONAL SECRETARY
DEPARTMENT OF MUNICIPAL AFFAIRS
GOVT. OF NAGALAND
KOHIMA
NAGALAND.

3:CHIEF EXECUTIVE OFFICER
DIMAPUR MUNICIPAL COUNCIL
DIMAPUR
NAGALAND.

4:MISS IMLINARO STEPHANIE EZUNG
DEPUTY CHAIRPERSON
COUNCILLOR WARD NO. 21
DIMAPUR MUNICIPAL COUNCIL
DIMAPUR
NAGALAND

BEFORE

HON'BLE MR. JUSTICE KALYAN RAI SURANA

For the petitioner : Mr. A. Zhimomi.
For the respondents : Ms. V. Suokhrie, Addl. A.G.
: Mr. Limawapang.

Date on which judgment is reserved : 27.04.2026.

Date of pronouncement of judgment : 29.04.2026.

**Whether the pronouncement is of
the operative part of the judgment? : No**

**Whether the full judgment has been
Pronounced : Yes**

JUDGMENT AND ORDER

(CAV)

Heard Mr. A. Zhimomi, learned counsel for the petitioner. Also heard Ms. V. Suokhrie, learned Addl. Advocate General for the State respondent nos. 1 to 3, and Mr. Limawapang, learned counsel for respondent no. 4.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner, who is the Chairperson of the Dimapur Municipal Council, has assailed letter No. MA/DMC-01/2026/450 dated 23.01.2026, by which certain directions were issued by the Addl. Secretary to the Govt. of Nagaland, Municipal Affairs Department

(respondent no. 2).

3. In brief, the case of the petitioner is that pursuant to elections held for the Councillors of the Dimapur Municipal Council, the elected Councillors took oath of office on 05.07.2024. Thereafter, the petitioner was elected as the Chairperson of the Dimapur Municipal Council. In the absence of any rules, the Municipal Affairs Department issued a General Advisory/Guidelines for newly constituted Urban Local Bodies vide Memo No. MA-15/ 2024/553 dated 26.07.2024 (hereinafter referred to as "Guidelines dated 26.07.2024 for brevity), which, amongst others, envisaged setting up Committees with convenors, co-convenors and members. Accordingly, in terms of the said Guidelines dated 26.07.2024, the petitioner, as the Chairperson of the Dimapur Municipal Council, vide order dated 13.08.2024, constituted eleven Sub-Committees with convenors and members from among the elected Councillors of the Dimapur Municipal Council. Thereafter, another meeting of the Dimapur Municipal Council was held on 15.12.2025 in the Office Chamber of the Chairman. In the said meeting, the petitioner, in the presence of a few councillors, amongst others, informed that in the interest of the Dimapur Municipal Council and the general welfare of the office, especially considering the dire financial health of the Council, reshuffling of the Sub-Committees and In-Charges would be undertaken as agreed to by the members present. Consequently, by Order No. TMC/G-1(CP)/2024/2561-562 dated 22.12.2025, the In-charge/Co-convenors/Members of the various Sub-Committees were reshuffled.

4. Without referring to the various communications, it would suffice to mention that the Addl. Secretary to the Govt. of Nagaland,

Municipal Affairs Department (respondent no. 2), by the impugned Order No. MA/DMC-01/2026/450 dated 23.01.2026, observed that there were procedural lapses in the issuance of the order dated 22.12.2025 by the Chairperson of the Dimapur Municipal Council, as it did not adhere to the provisions of Chapter V (Conduct of Business) of the Nagaland Municipal Act, 2023, and that the order was also issued without following the procedure laid down under Section 77(2)(a) of the said Act. Accordingly, in exercise of power under Section 81 of the Nagaland Municipal Act, 2023, the following directives were issued:

1. That the Order issued vide No. DMC/G-1/CP/2024/561-562, dated Dimapur the 22nd December, 2025 shall be considered null & void.
2. The Chairperson shall call for a meeting afresh for a special discussion on Revenue Collections and Assignment of Committees to the elected councilors as per provisions of Chapter V Conduct of Business of the NMA, 2023.
3. Under section 60M the CEO shall prepare a detail report of the revenue collection and shall present before the meeting so convened.
4. In compliance to section 77(2)(a), DMC shall forward the proceedings of the meeting to the Government for necessary approval.
5. That, DMC shall strictly adhere to the General Advisory/Guidelines issued via No. MA-15/2014/553, dated Kohima the 26th July, 2024 and to the Memorandum Reminder issued vide No. MA-15/2014/623, dated Kohima the 4th September 2024.

6. The learned counsel for the petitioner has submitted that pursuant to the Guidelines dated 26.07.2024, the petitioner, as the Chairperson of the Dimapur Municipal Council, had issued the order dated 13.08.2024, thereby re-constituting the Sub-Committees by appointing In-Charge and members of the Committee. It is submitted that there is no provision in the Nagaland Municipal Act, 2023, laying down a procedure for the constitution and/or re-constitution of the various sub-committees

and for the appointment of Committee's convenors and members. Therefore, the reconstitution of the members of the various committees by the petitioner cannot be held to be unlawful so as to warrant interference by the State. By referring to Article 243Q, Article 243R, Article 243W, and the Twelfth Schedule to the Constitution of India, it is contended that the State Government can issue guidelines only in respect of matters covered under the Twelfth Schedule, for which power is vested under Section 81 of the Nagaland Municipal Act, 2023. It has been submitted that as the Dimapur Municipal Council is a Local Self Government, the State cannot interfere with the decision of the Chairperson on appointing In-Charge/ Convenors/Members of various Sub-Committees, which is an internal affair in the management of the Dimapur Municipal Council.

7. Accordingly, it is submitted that Chapter V of the Nagaland Municipal Act, 2023 consisting of Sections 60A to 60M relates to the conduct of business and does not relate to the appointment In-Charge/Convenors/Members of various Sub-Committees, which, according to him, is a matter relating to the ruling dispensation. Thus, it is reiterated that the State Government did not have the power to interfere with such appointments. In support of his submission, reliance has been placed on the following cases, viz., (i) *M/s Bharat Udyog Ltd. v. Ambernath Municipal Council through Commissioner & Anr.*, 2026 INSC 288, and (ii) *Shri Jayant Jadhav & Anr. v. Regional Commissioner & Ors.*, (WP No. 106744 of 2025), decided by High Court of Karnataka.

8. It may be stated that submissions were made by the learned counsel for the petitioner relating to interference by political

parties, but as the same is not the matter in issue, there is no point to burden this this order with those submission.

9. Per contra, the learned Addl. Advocate General has submitted that from the contents of the minutes of the meeting dated 15.12.2025, it is apparent that the agenda of the meeting was not specific, and accordingly, no decision could have been taken for reshuffling of the In-Charge/Convenors/Members of various Sub-Committees. It has been submitted that the State Government had issued Guidelines dated 26.07.2024, which did not provide for such reshuffling. Accordingly, it has been submitted that the petitioner, in his capacity as Chairperson of Dimapur Municipal Council had no authority to undertake such reshuffling. It is also submitted that it was reported to the Government that at the instance of the petitioner, money was borrowed for payment of salaries to staff and workers of the Dimapur Municipal Council, which was in violation of Section 103 of the Nagaland Municipal Act, 2023, relating to borrowing powers.

10. It is specifically submitted that the petitioner, as Chairman of the Dimapur Municipal Council, has no power to reshuffle persons in various sub-committees. In this regard, by referring to the provision of Section 7 of the Nagaland Municipal Act, 2023, whereby "municipal authorities" has been defined, it is submitted that the petitioner's contention that the Chairman has absolute power to re-allocate Convenor and members of various Sub-Committees is misconceived. It has been submitted that Section 7 of the 2023 Act clearly provides that "municipal authorities" consist of (i) the Municipal Council, (ii) the Chairperson, (iii) the Deputy Chairperson, and (iv) the Chief Executive Officer. Accordingly,

it has been submitted that the Chairperson alone has no such power to reshuffle portfolios of various Sub-Committees. It is further submitted that paragraph 4 of the affidavit-in-opposition filed by respondent no. 4, it has been stated that the earlier order dated 13.08.2024, by which Committees were constituted and Convenors and Members were appointed, was issued after thorough deliberations amongst the Councillors and after considering the advice from senior leaders of a particular political party. Accordingly, the learned Additional Advocate General has justified the action of the State Respondents in issuing the impugned order dated 23.01.2026.

11. The learned counsel for respondent no. 4, in support of the impugned order, has submitted that the order dated 22.12.2025 was passed by the petitioner on his whims and fancies without the consent of the concerned political party, the Deputy Chairman, and/or the Councillors. It is submitted that thus, the petitioner and other councillors had approached- (i) the President of the particular political party; (ii) the then Chief Executive Officer of the Dimapur Municipal Council; and (iii) the Commissioner & Secretary to the Govt. of Nagaland, UD & MA Department, seeking intervention. Accordingly, it is submitted that the impugned order is fully justified and warrants no interference.

12. Perused the writ petition, affidavit-in-opposition filed by respondent no.4; affidavit-in-opposition filed by respondent nos. 1, 2 and 4; affidavit-in-reply by the petitioner against the affidavit-in-opposition filed by respondent nos. 1, 2 and 3; and affidavit-in-reply by the petitioner against the affidavit-in-opposition filed by respondent no. 4. Also considered the submissions made at the Bar as well as the cases cited by

the learned counsel for the petitioner.

13. For the sake of convenience, the contents of the impugned order dated 23.01.2026 is extracted below: -

**GOVERNMENT OF NAGALAND
MUNICIPAL AFFAIRS DEPARTMENT
NAGALAND: KOHIMA**

No.MA/DMC-01/2026/450

Dated Kohima the 23rd January, 2026

To,
The Chairperson,
Dimapur Municipal Council (DMC),
Dimapur, Nagaland.

Sub: Matter regarding Order No. DMC/G-1(CP)/2024/2561-562, Dated Dimapur the 22nd Dec, 2025.

Sir,

With reference to the subject cited above and to Deputy Chairperson letter dated 20.01.2026 and CEO's letter No. DMC/G-3/EO/2023-24, dated Dimapur the 12th January, 2026, the undersigned is directed to convey that due cognizance have been taken over the reported misunderstanding and confusion prevailing amongst the elected councilors, having arisen out of the aforementioned Order issued by the Chairperson on the 22nd of December, 2025, and causing undue disruption in the functioning of the DMC Office, the matter have been examined and with the following observations:

1. *That there has been procedural lapses in the issuance of the Order Dated 22nd Dec. 2025 by the Chairperson for not adhering to the provision of Chapter V Conduct of Business of the NMA, 2023.*
2. *That, the Order was also issued without observing the procedures as laid down under Section 77 (2)(a) of the NMA, 2023.*

Now therefore, in exercise of the powers conferred under section 81 of the NMA 2023; the following directives is hereby issued for necessary compliance.

1. *That, the Order issued vide No. DMC/G-1/(CP)/2024/2561-562, Dated Dimapur the 22nd December, 2025 shall be considered null & void.*

2. *The Chairperson shall call for a meeting afresh for a special discussion on Revenue Collections and Assignment of Committees to the elected councilors as per provisions of Chapter V Conduct of Business of the NMA, 2023.*

3. *Under section 60M the CEO shall prepare a detail report of the revenue collection and shall present before the meeting so convened.*

4. *In compliance to section 77(2)(a), DMC shall forward the proceedings of the meeting to the Government for necessary approval.*

5. *That, DMC shall strictly adhere to the General Advisory/Guidelines issued via No. MA-15/2024/553, Dated Kohima the 26th July, 2024 and to the Memorandum Reminder issued vide No. MA-15/2024/623, Dated Kohima the 4th September 2024.*

Yours faithfully,

*(T NCHUMBEMO ODYUO) NCS
Additional Secretary to the Govt. of Nagaland*

14. The observations in the said order are that Chapter-V of the 2023 Act and Section 77 of the said 2023 Act had not been adhered to. Therefore, Section 60-A to Section 60-M of the Nagaland Municipal Act, 2023, covering Chapter-V of the said Act and Section 77 of the said Act are quoted below: -

60 A. Oath of affirmation:

(1) Member of a Municipality other than an ex-officio member shall before assuming his/her duties as Member make and subscribe an oath of affirmation of his/her allegiance to the Constitution of India in the form, as may be prescribed in this behalf.

(2) Such oath of affirmation shall be made and subscribed before the Deputy Commissioner or an officer not below the rank of Extra Assistant Commissioner to be nominated by the Deputy Commissioner.

60 B. Prohibition against sitting and voting before making oath of affirmation:

No person shall sit and vote as an elected member before he has complied with the requirements of section 60A.

60 C. Time for holding meetings:

Every Municipal/ Town Council shall meet for transaction of business at least once in every month on such day and at such time as may, from time to time, be fixed by regulations.

60 D. Convening of a meeting:

(1) The Chairperson or in his absence the Deputy Chairperson of Municipal Council or Town Council may convene an ordinary or special meeting at any time:

(i) whenever he/she thinks fit and

(ii) on a requisition specifying in writing for the purpose of meeting and signed by not less than one-third of the total numbers of members, excluding the nominated members.

(2) If the Chairperson or Deputy Chairperson, as the case may be, fails to convene a meeting within a period of 7 (seven) days from the date of the receipt of requisition, the members, who had signed the requisition may convene a meeting in accordance with such rules as may be made by the Government within a period of 30 days of making such requisition and notwithstanding anything contained in this Act, such meeting shall be deemed to be validly convened meeting. Provided that no business other than that as specified in the requisition shall be transacted in such meeting and the quorum for such meeting shall be as mentioned in sub-section of section 60 F.

60 E. Ordinary and Special meeting:

(1) Every meeting of the Municipality other than an emergent meeting shall be either an ordinary or a special meeting.

(2) Any business may be transacted at an ordinary meeting unless required by the Act or Rules to be transacted at a special meeting.

(3) When a special and an ordinary meeting are called on the same day, the special meeting shall be held as soon as the quorum is present.

60 F. Quorum:

(1) Subject to other provisions of this Act, the quorum necessary for transaction of business shall:

(a) in the case of an ordinary meeting, be one-third and

(b) in the case of a special meeting, be one-half of the total

elected members actually serving at the time.

(2) Notwithstanding anything contained in sub-section (1), if at an ordinary or a special meeting, the quorum is not present, the person presiding shall adjourn the meeting to some other date and the business which would have been brought before the original meeting, if there had been a quorum present shall be brought before and transacted at the adjourned meeting, whether there be a quorum present or not.

60 G. Presiding Officer of the meeting:

(1) The Chairperson or in his absence, the Deputy Chairperson of Municipal Council or Town Council shall preside over the meeting. Provided that the Chairperson or Deputy Chairperson shall not preside over the special meeting when the meeting has been convened for considering a motion for his removal.

(2). In the absence of Chairperson or Deputy Chairperson, as the case may be, the members present in the meeting shall elect one from amongst themselves to preside over the meeting.

60 H. Decision by majority vote:

Except as otherwise provided in this Act or the Rules made thereunder, all questions which come before any meeting of a Municipality shall be determined by a majority of vote of the members present and voting.

Provided that the presiding officer of the meeting in case of equality of votes shall have a second or casting vote.

60 I. Members not to vote on matters on which he/she is interested:

No member shall vote at the meeting of the Municipality or a Committee thereof on any question relating to his/her own conduct or vote or take any part in any discussion on any matter, other than a matter effecting generally the residents of the Municipal area for which the Municipal Council or Town Council as the case may be has been constituted or any particular wards thereof, which effects his/her pecuniary interest or any property in respect of which he/she is directly or indirectly interested or any property for which he/she is a manager or an agent.

60 J. Maintenance of order at meeting:

1) The Presiding Officer at the meeting of the Municipality shall

preserve thereat order and shall have such power, as may be prescribed for the purpose of enforcing his/her decisions.

(2) The Presiding Officer at the meeting may direct any member whose conduct is in his/her own opinion grossly disorderly to withdraw immediately from the meeting and the member so directed to withdraw shall do forthwith and shall absent himself/herself during the remainder of the meeting, failing which such member shall be liable to be removed under section 29 on ground of misconduct.

60 K. Adjournment:

(1) In the case of grave disorder arising in a meeting of the Municipality, the Presiding Officer may adjourn the meeting or suspend any sitting for a time to be mentioned by him/her and the reasons for such adjournment or suspension shall be recorded in the Proceedings Book.

(2) No adjournment other than that are referred to in sub-section (1) shall be made without the consent of at least one-half of the members presents.

60 L. Honorarium, allowances, and facilities to Members:

The members shall be entitled to receive for attendance at the meeting of Municipality and the Committees thereof, allowances at such rates and such honorarium and facilities, as may be prescribed.

60 M. Right to attend meetings:

The Chief Executive Officer of a Municipality and such officer of the Municipality as authorized by the Municipality in this behalf may attend, speak or otherwise take part in the proceedings of any meeting of the Municipality or any of its Committees but shall not be entitled to vote in any such meeting.

77. Powers of Government to require production of documents and submission of reports:

(1) The Government shall at any time require any Municipal authority of a Municipality or the Chief Executive Officer of the Municipality:

(a) to produce any record, correspondence, plan or other documents in its possession or under his/her control;

(b) to furnish any report, return, plan, estimate, statement, accounts or other statistics relating to the proceedings, duties or

works of the Municipality or any Municipal authority for the purpose of inspection and thereupon the Municipal authority or the Chief Executive Officer, as the case may shall comply with such requirement within such time, as may be specified by the Government for the purpose.

(2) Every Municipality shall:

(a) forward to the Government, the proceedings of the meetings of the Municipality and of a committee thereof within such time and in such manner as may be prescribed; and

(b) Submit to the Government such periodical reports relating to the affairs of the Municipality as the Government may direct.

15. From the submissions made at the Bar, the following points of determination arise for decision in this case: -

- a. Whether the petitioner, as Chairperson of Dimapur Municipal Council, had the power to reshuffle the Convenors/ In-Charge and Members of various sub-committees, as done vide order dated 22.12.2025?
- b. Whether the issuance of order dated 22.12.2025, was bad in law for the reasons of not circulating agenda of meeting in advance; for not consulting The Chief Executive Officer, Dimapur Municipal Council, the Deputy Chairperson, the authorities in the Department of Urban Development and Municipal Affairs, Councillors, and/or any other authority?
- c. Whether the impugned order dated 23.01.2026, warrants any interference by the Court?

16. At the outset, it may be mentioned that the learned counsel for the appearing parties were *ad idem* on the point that the Nagaland Municipal Act, 2023 and the Guidelines dated 26.07.2024 do not

provide for any specific provision authorising either the State Government or the Chairperson of the Municipal Bodies to reshuffle the Convenors and Members of the Sub-Committees. No Rules have been framed under the Nagaland Municipal Act, 2023. However, under Sub-Clause (1) of Clause-A of the said Guidelines dated 26.07.2024, it is provided for setting up of Committees, with Convenors and members.

Point of determination no.1:

17. The Guidelines dated 26.07.2024, does not prescribe the manner in which appoints of convenors and members of various Sub-Committees are to be made.

18. The said Guidelines dated 27.07.2024, provides that the Chief Executive Officers/Executive Officers to function as Drawing and Disbursing Officers (DDO's for short). The guidelines do not provide that in order to take any administrative decision, not connected with business of the Municipal Council, the Chairperson has to take consensus of majority of the Councillors.

19. The petitioner, by annexing the meeting minutes dated 15.12.2025, projects that before issuing the order dated 22.12.2025, a meeting of the Dimapur Municipal Council was convened, wherein the petitioner had informed that a reshuffling of the Sub-Committees and In-charges of Sub-Committees will be undertaken, which was agreed by members. Thereafter, the order dated 22.12.2025, thereby reshuffling of Sub-Committees and In-Charges of Sub-Committees was done by the petitioner. A mere discussion held in the Minutes of the Dimapur Municipal Council regarding reshuffling of Sub-Committees and In-

Charges of Sub-Committees, in the absence of any provision in the Nagaland Municipal Act, 2023, would not mean that the Chairperson would not have any power to change the Sub-Committee's Convenor and Members without any consultation with any quarter whatsoever.

20. In this case, the petitioner, as Chairperson of Dimapur Municipal Council, vide order under Memo no. DMC/G-I(CP)/2024/ 912-21 dated 13.08.2024, not only constituted 11 (eleven) Sub-Committees, but also appointed Convenors/In-Charge and Members of such committees. The State Government, through the Additional Secretary to the Government of Nagaland, Municipal Affairs Department, vide impugned order dated 23.02.2026, had revived the earlier order dated 13.08.2024, issued by the petitioner as Chairperson of the Dimapur Municipal Council. Thus, the State respondent nos. 1 to 3 and respondent no. 4, admit and accept the fact that the petitioner, as the Chairperson of Dimapur Municipal Council, had issue the earlier order dated 13.08.2024 appointing Convenors, In-charge and Members of 11 (eleven) Sub-Committees.

21. The provision of Section 30 of the Arunachal Pradesh Interpretation and General Clauses Act, 1982, provides as follows: -

30. Power to appoint to include power to suspend or dismiss. - Where by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having for the time being power to suspend or dismiss any person appointment, whether by itself or by way of any other authority, in exercise of that power.

22. Therefore, when the State has passed the impugned order, accepting appointment of Convenors, In-Charge and Members of various Sub-Committees by the petitioner vide earlier order dated 13.08.2024, there cannot be any doubt that the petitioner, who had the power to

appoint, would have the inherent power to dismiss.

23. Thus, in light of Section 30 of the Arunachal Pradesh Interpretation and General Clauses Act, 1982, and in the absence of any provision in the Nagaland Municipal Act, 2023 or in the Guidelines dated 26.07.2024, the Court is inclined to hold that the petitioner, as Chairperson of Dimapur Municipal Council, having appointed Convenors/ In-Charge and Members of various Sub-Committees vide order dated 13.08.2024, had the power to reshuffle the Convenors/ In-Charge and Members of various sub-committees, as done vide order dated 22.12.2025.

24. The point of determination no. 1 is answered in the affirmative and in favour of the petitioner.

Point of determination no. 2:

25. In the impugned order dated 23.01.2026, a vague statement for passing the said order is that Chapter-V relating to Conduct of Business was not adhered to. It is also stated that impugned order was issued without observing the procedures as laid down under Section 77(2) (a) of the 2023 Act was not followed.

26. Insofar as allegation of non-adherence to Chapter-V of Nagaland Municipal Act, 2023 is concerned, the allegation is absolutely vague. Moreover, the respondents have not been able to show that under the scheme of the said 2023 Act, once a Convenors/ In-Charge and Members of various Sub-Committees are appointed, such appointment is final for the entire term of the elected council. In other words, it has not been shown that the reshuffling of Convenors/ In-Charge and Members of various Sub-Committees is impermissible under the 2023 Act or under the

Guidelines dated 26.07.2024.

27. The Government in the Department of Urban Development and Municipal Administration, Nagaland, having accepted the appointment of Convenors/ In-Charge and Members of various Sub-Committees vide order dated 13.08.2024, has not taken a stand that the appointment made by order dated 13.08.2024 was bad. Moreover, the respondents have not been able to show that why the reshuffling done by order dated 22.12.2025 was bad for non-adherence to Chapter-V of the Nagaland Municipal Act, 2023.

28. The respondents have not been able to show that the Guidelines dated 26.07.2024, providing that the Guideline no. A (1) regarding setting up of Committees with Convenors and Members is the power that was conferred in exercise of the provisions of Section 60A to Section 60M under Chapter-V of the Nagaland Municipal Act, 2023. The learned Additional Advocate General for the State respondent nos. 1 to 3 and learned counsel for respondent no. 4 have not been able to show any provision in the Nagaland Municipal Act, 2023, requiring that before exercising his administrative powers to reshuffle Convenors/ In-Charge and Members of various Sub-Committees, the petitioner, as Chairperson, had to convene a meeting of all Councillors and such appointments must be preceded either by consensus or by majority decision.

29. The respondents have not been able to show that there is any provision in the Nagaland Municipal Act, 2023 or in the Guidelines dated 26.07.2024 that appointment of Convenors/ In-Charge and Members of various Sub-Committees must be done in a Committee or a Sub-Committee of the Dimapur Municipal Council. In the considered

opinion of the Court, unless, such a decision to appointment and/or reshuffle Convenors/ In-Charge and Members of various Sub-Committees is liable to be taken only by a Committee of a Sub-Committee is shown, the question of compliance of Section 77(2)(a) of the Nagaland Municipal Act, 2023 would not arise.

30. Therefore, the reason assigned in the impugned order dated 23.01.2026, regarding non-adherence of Chapter-V and Section 77(2)(a) of Nagaland Municipal Act, 2023 are both not found tenable in any view of the matter.

31. Though the petitioner might have consulted various State Government authorities, persons or leaders of political parties in the past before appointing Convenors/ In-Charge and Members of various Sub-Committees vide order dated 13.08.2024. However, the respondents have not been able to show any provision under any law for the time being in force in the State of Nagaland, which requires the Chairperson of Dimapur Municipal Council to consult any person or authority before exercising power to appoint or re-shuffle Convenors/ In-Charge and Members of various Sub-Committees.

32. Therefore, the purported exercise of consultation, having done by the petitioner in the past, would not become a binding precedent to be followed for all times to come in future.

33. Moreover, the respondents have not been able to show any provisions by which a Chairperson of the Dimapur Municipal Council has been made subservient to the Chief Executive Officer or Executive Officer.

34. Thus, under the facts of the case, when (a) the

appointment and/or reshuffling of Convenors/ In-Charge and Members of various Sub-Committees is not shown to be the "business of the Dimapur Municipal Board" and assigned to a particular Committee or to the Board, and when (b) the appointment of Convenors/ In-Charge and Members of various Sub-Committees by virtue of the order passed by the petitioner, as Chairperson of Dimapur Municipal Board, vide order no. DMC/G-1(CP)/2024/912-21 dated 13.08.2024, is accepted by all stake holders without any demur, the subsequent action and order of the petitioner of shuffling of Convenors/ In-Charge and Members of various Sub-Committees vide order no. DMC/G-1(CP)/2024/2561-562 dated 22.12.2025, cannot be said to be bad in law or on facts.

35. Therefore, the second point of determination is answered in the negative and in favour of the petitioner by holding that the issuance of order dated 22.12.2025, cannot be said to be bad in law for the reasons of not circulating agenda of meeting in advance; for not consulting the Chief Executive Officer of Dimapur Municipal Council, the Deputy Chairperson, the authorities in the Department of Urban Development and Municipal Affairs, Councillors, and/or any other authority. The same is within the administrative function of the Chairperson of Municipal Councils under the Nagaland Municipal Council Act, 2023.

Third point of determination:

36. In light of the discussions on the point of determination no. (a) and (b), the third point of determination is answered by holding that the impugned order no. MA-DMC-01/2026/450, dated 23.01.2026, issued by the Additional Secretary to the Govt. of Nagaland, Municipal

Administrative Department, warrants interference by the Court and accordingly, the same is hereby set aside and quashed.

37. As a consequence of setting aside and quashing of the said order no. MA-DMC-01/2026/450, dated 23.01.2026, the order no. DMC/G-1(CP)/2024/2561-562 dated 22.12.2025, issued by the petitioner as Chairperson of the Dimapur Municipal Council, shall stand restored and revived.

38. The writ petition, thus, stands allowed.

39. The parties are left to bear their own cost.

40. As the respondent nos. 1 to 3 are duly represented by the learned Additional Advocate General, the said respondents are deemed to be aware of this order. Nonetheless, the petitioner shall cause service of a certified copy of this order to the Additional Secretary to the Govt. of Nagaland, Municipal Administrative Department (respondent no.2) to bring the order to the notice of the said authority.

41. The Court puts on record the able assistance rendered by the learned counsel for the parties and by the learned Additional Advocate General of the State.

JUDGE.

Comparing Assistant