



GAHC030004382025



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

Case No. : WP(C)/84/2025

Sh. Lakkhan Chakma and 15 Ors.

S/o Krishna Dhasj Chakma

R/o Kamalanagar, Chawngte, Lawngtlai, Mizoram 2: Sh. Doymoy Daveng Chakma

3: Sh. Sanjib Chakma

4: Sh. Supreme Raj Chakma

5: Sh. Ajoy Kumar Chakma

6: Sh. Amit Bayan Chakma

7: Sh. Santosh Chakma

8: Sh. Hiranand Tongchangya

9: Sh. Kali Kumar Tongchangya

10: Sh. Mohan Chakma

11: Sh. Parimal Chakma

12: Sh. Ananta Bikash Chakma



13: Sh. Supan Chakma

14: Sh. Sundor Muni Chakma

15: Sh. Montu Chakma

16: Sh. Kalasoga Chakma

VERSUS

State of Mizoram and 4 Ors.

R/b Chief Secretary to the Govt. of Mizoram, MINECO, Khatla, Aizawl, Mizoram

2:Secretary

Govt. of Mizoram

District Council and Minority Affairs Department

3:Secretary to the Governor

4:Secretary

Chakma Autonomous District Council

5:Deputy Commissione

Advocate for the Petitioner : Mr J C Lalnunsanga

Advocate for the Respondent : Addl. AG/GA, Mizoram for R 1,2 & 5

BEFORE

HON'BLE MRS. JUSTICE MARLI VANKUNG

Advocate for the petitioners : Mr. J.C. Lalnunsanga

Advocate for the respondent : Mr. Biswajit Deb, A/G



Date on which judgment is reserved : 25.09.2025

Date of pronouncement of judgment : 19.11.2025

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

**Whether the full judgment has been
pronounced ? : Yes**

JUDGMENT & ORDER (CAV)

Heard Mr. J.C. Lalnunsanga, learned counsel for the petitioner. Also heard Mr. Biswajit Deb, learned Advocate General for the State respondents, who appeared through VC, assisted by Mrs. Mary L. Khiangte, learned Govt. Advocate and Ms. H.C. Deborah Lalnunziri, learned counsel for respondent No.

4.

2. The instant writ petition is filed for the quashing and setting aside of the notification dated 07.07.2025, whereby the Governors' Rule is declared upon the Chakma Autonomous District Council (CADC) for a period of 6 (six) months, and for this court to invoke its writ jurisdiction under Article 226 of the Constitution of India by passing an order for the formation of a new Executive Committee,



Chakma Autonomous District Council (CADC) as provided under Rule 22 of the Chakma Autonomous District Council (Constitution, Conduct of Business) Rules 2002.

3. Mr. J.C. Lalnunsanga, learned counsel for the petitioners gave a brief background of the case by submitting that on 05.06.2025, 14 (fourteen) members of District Council in the existing 19 membered House of the 11th CADC submitted an application to the Chairman, Chakma Autonomous District Council (CADC) for the immediate summoning of a special meeting as provided under Rule 33(4) of the CADC (CCB etc) Rules 2002. Upon receipt of the letter dated 05.06.2025, the Chairman of Chakma Autonomous District Council (CADC), Kamalanagar, summoned a special meeting which was to be held on 16.06.2025. However, on 10.06.2013, before the special meeting was held, 5(five) Executive Members submitted their resignation from the office of the Executive Member, as provided under Rule 24(1)(b) of the CADC (CCB etc) Rules 2002, which was accepted by the Chief Executive Member, Chakma Autonomous District Council (CADC) on 11.06.2025. Thereafter, after the acceptance of the resignation of the 5 Executive Members, one Shri. Sanjib Chakma, a sitting Executive Member submitted his resignation from the office of the Executive Member on 12.06.2025, as provided by Rule 24(1)(b) of CADC



(CCB etc) Rules 2002 and his resignation was also accepted by the Chief Executive Member, Chakma Autonomous District Council (CADC).

4. A meeting was then held on 16.06.2025 by Chakma Autonomous District Council (CADC) ZPM Legislative Party, which constituted 16 Members of District Council (MDC) after new Members of District Council (MDC) joined ZPM Party from BJP. Thus, they decided to stake claim for formation of Government as they have full majority on 16.06.2025. The petitioner No. 1 also staked claim for appointment as Chief Executive Member as per Sub Rule 2(2) of Rule 22 of the CADC (CCB etc) Rules 2002 being the elected Leader of the Chakma Autonomous District Council (CADC) ZPM Legislative Party. He requested the respondent No. 2/Secretary to GOM, District Council & Minority Affairs, to take necessary action for his appointment as Chief Executive Member (CEM), CADC and that his claim was supported by the other 15 Members of District Council (MDC) to which they put their respective signatures to show their support for his appointment as Chief Executive Member (CEM), CADC.

5. Thereafter, in pursuant to the notification dated 05.06.2025, a special meeting was held on 16.06. In the special meeting, a notice of no confidence motion against the incumbent CEM, Mr. Dangu Molin Kumar Chakma and for his removal from the office of the CEM was made. Accordingly, the motion was



taken up, wherein, no confidence motion was passed by 15:1 members present and voting in the 19 elected Member House while one member remained absent and one member abstained from voting. Therefore, the incumbent CEM, Dangu Molin Kumar Chakma lost Vote of Confidence resulting in his removal from Chief Executive Member (CEM), CADC.

6. On 16.06.2025, the Chairman CADC/Petitioner No. 1 informed the respondent No. 2 about the removal of Dangu Molin Kumar Chakma from the office of Chief Executive Member (CEM), CADC through a notice of Confidence Motion in special meeting was held as per Rule 33(4) of the CADC (CCB etc) Rules 2002. On 01.07.2025, the petitioner No. 1 also submitted his resignation letter from the office of the Chairman of the 11th Chakma Autonomous District Council (CADC) under Sub Rule (b) & Rule 16 of the CADC (CCB etc.) Rules 2002 to the Governor, Mizoram. While the petitioners were awaiting positive response from the Governor for formation of a new council, the impugned notification dated 07.07.2025 was issued declaring Governor's Rule in Chakma Autonomous District Council (CADC).

7. Mr. J.C. Lalnunsanga, learned counsel for the petitioners submitted that the Governor had placed the functioning of the Chakma Autonomous District Council (CADC) upon himself as per the para 16(2) r/w para 20 BB of the 6th



Schedule to the Constitution of India. The notification further declared that such powers and functions shall be exercised by the Deputy Commissioner, Lawngtlai District on his behalf with immediate effect for a period 6 months or until further order.

8. The learned counsel submitted that the impugned notification was issued in violation of sub rule 2 of rule 22 of the CADC (Constitution, Conduct of Business etc) Rules 2002, wherein it stated that the Executive Committee shall be formed by the largest legislature party having a majority of elected members in the District Council and the leader of such legislature party shall be appointed as the Chief Executive Member (CEM). The learned counsel submitted that the petitioners being ZPM Legislature Party had 16 members out of 20 elected council members and should be invited to form a new Executive Committee.

9. The learned counsel further submitted that the impugned notification was also issued against the opinion and the desire of the Council of Ministers. He submitted that when the Council of Ministers was consulted, Council of Ministers were of the opinion that the new claimant for formation of a new council be afforded an opportunity by the Hon'ble Governor. Despite the desire of the Council of Ministers for formation of a new council by the petitioners, the impugned notification has been issued illegally and arbitrarily.



10. The learned counsel for the petitioner further submitted that the power of the Governor to declare Governor's Rule is laid out in para 20 BB of the 6th Schedule and political instability is not one of the grounds under which the government can declare the Governors' Rule. He submitted that the petitioners had absolute majority to form a government under Rule 22 of the Chakma Autonomous District Council (CADC) (Constitution, Conduct of Business) Rules 2002 and that the Governor had acted arbitrarily by contradicting the advice of the Council of Ministers.

11. The learned counsel for the petitioner further submitted that the impugned notification was issued on the grounds of political instability which is totally discriminatory, unreasonable and unjustifiable since, there was no political instability, as compared to the political scenario of the 11th Lai Autonomous District Council (LADC), who had changed their Chief Executive Member (CEM) as many as 5 times within the short period i.e. from 2022 to 2025, which is not so for the Chakma Autonomous District Council (CADC).

12. The learned counsel has relied on the decision of the Apex Court in the case of ***Chandra Kishore Jha Vs. Mahavir Prasad & Ors.***, reported in ***(1999) 8 SCC 266 (para 17)*** and ***OPTO Circuits (India) Ltd. Vs. Axis Bank, (2021) 6 SCC 707*** wherein, it was held that it is a well-settled salutary



principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner.

He has also relied on the judgment of the Apex court in ***Pu Myllai Hlychho Vs. State of Mizoram, (2005) 2 SCC 92 (para 12, 14, 15 & 18)***, wherein it was observed that wherever the Constitution requires the satisfaction of the Governor for the exercise of any power or function, the satisfaction required by the Constitution is not personal satisfaction of the Governor but the satisfaction in the constitutional sense under the cabinet system of government. The Governor exercises functions conferred on him by or under the Constitution with the aid and advice of the Council of Ministers and he is competent to make rules for convenient transaction of the business of the Government of the State, by allocation of business among the Ministers, under Article 166(3) of the Constitution.

13. The learned counsel thus prayed that the Governor's Rule imposed vide the impugned Order dated 07.07.2025, may be quashed and set aside and this court may pass an order similar to the order passed by this court in WP(C) No. 46 of 2025 dated 08.08.2025, for declaring a floor test so that the party holding the majority support may form the Chakma Autonomous District Council (CADC) since, the general public under the Chakma Autonomous District Council



is facing much hardship due to the declaration of the Governor's Rule within the Chakma District Council.

14. Mr. Biswajit Deb, learned Advocate General for the State respondents submitted that the current 11th CADC had faced the formation of 2 separate District councils and that the claim made by the ZPM Legislature party is the third claim received by the Governor in a short span of 2(two) years with effect from 22.05.2023 i.e., the date of appointment of the CEM of the newly elected 11th CADC, for which the Government was of the opinion that there was political instability. Accordingly, the Hon'ble Governor found that the imposition of Governors' Rule in the CADC was required under paragraph 16(2) read with paragraph 22BB of the 6th Schedule of the Indian Constitution. Before the imposition of Governor's Rule within the Chakma Autonomous District Council (CADC), the Hon'ble Governor had taken the aid and advice of the Council of Ministers. He submitted that on the perusal of the decision of the Council of Ministers obtained by circulation, it is seen that though the Council of Ministers was of the opinion that the new claimant for formation of a new council be afforded an opportunity by the Hon'ble Governor, however, the Council of Ministers were willing to accept any decision made by the Hon'ble Governor as it is the discretionary power of the Hon'ble Governor to take action as he



considers necessary. The learned counsel submitted that the advice of the Council of Ministers clearly indicates that the Council of Ministers was willing to accept any decision of the Hon'ble Governor, taking cognizance of the fact that the Hon'ble Governor has the discretionary power on the subject matter.

15. The learned Advocate General submitted that a reading of para 16(2) of the 6th Schedule clearly prescribes the discretionary power of the Governor and if he thinks it necessary, he may not act in accordance to the advice of the Council of Ministers. He submitted that the Hon'ble Governor, finding that there is political instability within the Chakma Autonomous District Council (CADC) had exercised its discretionary power, on finding that it is necessary to declare Governor's Rule, initially for a period of 6 months. He submitted that there has to be a stable government within the Chakma Autonomous District Council (CADC) for which the Hon'ble Governor to ensure that there is a stable government had issued the notification dated 07.07.2025.

16. The learned Advocate General further submitted that the authorities relied upon by the counsel for the petitioners relates to the action or power of the President under Article 356 of the Constitution of India, which also relates to the Governor, however, this does not relate to the 6th Schedule and para 16(2) and para 20 BB of the 6th Schedule. He further submitted that para 16(2) should be



read together with 20 BB of the 6th Schedule. He submitted that the Governor can take the aid and advice of the Council of Ministers as provided under 20 BB of the 6th Schedule, however, he need not act on the advice of the council of Ministers, but can exercise his discretionary power as found fit. He submitted that the authority of the Hon'ble Governor to exercise his discretionary power, which he did under paragraph 16(2) and 20BB of the 6th Schedule is not to be questioned, however, whether this was done correctly or not is a different issue.

17. Ms. H.C. Deborah Lalnunziri, learned counsel for respondent No. 4 submits that she will adopt the submissions made by the learned Advocate General.

18. This court has considered the submissions made by both the parties and has also perused the documents on record.

The impugned notification dated 07.07.2025 is reproduced as follows:

“NOTIFICATION”

Dated Aizawl, the 7th July, 2025 No.A.43016/3/2023-DC&MA

(C)/Pt: Whereas Shri Molin Kumar Chakma was removed through a No Confidence Motion from the post of Chief Executive Member, Chakma Autonomous District Council on the Special Sitting of the 11th Chakma Autonomous District Council on 16.06.2025.

And whereas upon the removal of Shri Molin Kumar Chakma as Chief Executive



Member (CEM), Shri Lakkhan Chakma staked claim to be the third CEM of the 11th CADC.

And whereas, Hon'ble Governor is of the firm opinion that the constant political instability is extremely detrimental for the CADC, and is certainly not what is intended by the Sixth Schedule to the Constitution of India, which envisions the effective administration of the tribal areas for the good of the people.

And whereas, opinion of the Council of Ministers was obtained and whereas, as provided under Para 16(2) of the Sixth Schedule, the Hon'ble Governor is satisfied that the administration of the CADC cannot be carried on in accordance with provisions of the Sixth Schedule.

Now, therefore, in exercise of the power conferred by Para 16(2) read with Para 20 BB of the Sixth Schedule to the Constitution of India, the Governor of Mizoram is pleased to assume to himself all functions or powers vested in or exercisable by the Chakma Autonomous District Council. Further, the Governor of Mizoram is pleased to declare that such functions or powers shall be exercised by the Deputy Commissioner, Lawngtlai District on his behalf with immediate effect for a period of 6 (six) months or until further order.

By Order, etc.

*Sd/- LALMALSAWMA PACHUAU
Secretary to the Govt. of Mizoram,
District Council & Minority Affairs Department."*

19. From the submissions of the learned counsels, the issue to be looked into is whether the Hon'ble Governor, vide the above impugned notification dated 07.07.2025, issued under para 16 (2) R/w 20BB of the Sixth Schedule, had



acted with no legal sanction, contrary to the advice rendered by the Council of Ministers and in violation of sub rule 2 of rule 22 of the CADC (Constitution, Conduct of Business etc) Rules 2002.

20. Para 16 [(2) of the Sixth Schedule of the Constitution of India provides as follows: *If at any time the Governor is satisfied that a situation has arisen in which the administration of an autonomous district or region cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification, assume to himself all or any of the functions or powers vested in or exercisable by the District Council or, as the case may be, the Regional Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, for a period not exceeding six months: Provided that the Governor may by a further order or orders extend the operation of the initial order by a period not exceeding six months on each occasion.*

(3) Every order made under sub-paragraph (2) of this paragraph with the reasons therefor shall be laid before the Legislature of the State and shall cease to operate at the expiration of thirty days from the date on which the State Legislature first sits after the issue of the order, unless, before the expiry of that period it has been approved by the State Legislature.]

21. Para 20BB of the Sixth Schedule of the Constitution of India provides as follows:

“20BB. Exercise of discretionary powers by the Governor in the discharge of his functions.— The Governor, in the discharge of his functions under sub-



paragraphs (2) and (3) of paragraph 1, subparagraphs (1) and (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, subparagraph (3) of paragraph 9, sub-paragraph (1) of paragraph 14, subparagraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers, and if he thinks it necessary, the District Council or the Regional Council concerned, take such action as he considers necessary in his discretion."

22. An analysis of above paragraphs show that Paragraph 16(2) of the Sixth Schedule of the Indian Constitution grants the Governor the authority to take over functions of a District for up to six months, renewable for additional six-month periods, if the Governor determines that administration cannot proceed according to the Schedule's provisions. Paragraph 20BB of the Sixth Schedule grants the Governor the discretionary power to take action on certain functions after consulting the Council of Ministers. Thus, it is specifically mentioned that the power of the Governor to be exercised under subparagraphs (1) and (2) of paragraph 16 of the Sixth Schedule could be exercised in his discretion. Accordingly, as provided under paragraph 20BB of the Sixth Schedule, the Hon'ble Governor had consulted the Council of Ministers vide a DO letter dated 10.06.2025 (as enclosed at Annexure 10 of the writ petition). The opinion of the



Council of Ministers obtained by circulation was that "*the new claimant for formation of a new Council be afforded an opportunity by the Hon'ble Governor. However, the Council of Ministers is willing to accept any decision made by the Hon'ble Governor as it is the discretionary power of the Hon'ble Governor to take action as he considers necessary.*"

23. Thus, it is clear from the above that the Council of Ministers have given the leverage to the Governor to exercise his discretionary power and fairly conceded that the Governor is not bound to act as per the opinion of the council of Ministers but can act independently, after due consultation, if he deemed it necessary. *This court therefore finds no grounds to interfere with the notification dated 07.07.2025.*

This court is also of the considered opinion that the case in ***Pu Myllai Hlychho Vs. State of Mizoram, (supra)*** is not aptly applicable in the instant case since the Governor is empowered to exercise his functions in his discretion under Paragraph 16(2) and 20BB of the Sixth Schedule of the Indian Constitution, after due consultation of the Council of Ministers.

It may also noted that at sub para 3 of paragraph 16 provides for the condition under which an order made under sub paragraph 2 of paragraph 16 can cease to operate.



24. This court finds that the reason provided in the impugned order for imposing the Governor's Rule is that there is constant political instability which was found extremely detrimental for the CADC and not what was intended by the Sixth Schedule of the Constitution of India, for which reason the Hon'ble Governor had exercised his discretionary power under *sub-paragraphs (2) of paragraph 16 of this Schedule, read with paragraph 20 BB*. This court will not go into the correction or adequacy of the above. It is however seen that the petitioners have claimed that they are having the majority of elected members in the District Council and that the petitioner No.1 should be appointed as the Chief Executive Member being the leader of the legislature party (ZPM) as per the provisions of sub rule 2 of rule 2 of the Chakma Autonomous District Council (CADC) (Constitution, Conduct of Business) Rules 2002.

25. This court is therefore of the considered opinion that it would be in the best interest of the people of the Chakma Autonomous District Council if the political stability is restored immediately within the region, by giving the elected members of the District Council to decide for themselves by having a floor test so that the party holding the majority support may form the new council as provided under Rule 22 of Chakma Autonomous District Council (CADC) (Constitution, Conduct of Business) Rules 2002 and the CEM having the majority



support be appointed as per the extent rules. The Hon'ble Governor may consider the same and take the necessary steps as expeditiously as possible in the interest of justice, equity and fair play.

26. WP(C) No. 84 of 2025 thus stands disposed of as above.

JUDGE

Comparing Assistant