



GAHC030002772025



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

Case No. : WP(C)/46/2025

Mr V. Zirsanga
S/o. Kapchhunga (L), Chanmari, Lawngtlai, Mizoram

VERSUS

The State of Mizoram and 4 Ors.
R/b. Chief Secretary to the Govt. of Mizoram, Aizawl

2: Secretary to the Governor

3: Secretary to the Govt. of Mizoram

4: Secretary

5: Sh. N. Zangur

Advocate for the Petitioner : Mr J C Lalnunsanga
Advocate for the Respondent : Addl. AG/GA, Mizoram for R.1 to 3

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

JUDGEMENT

Date : 08-08-2025

Heard Mr. J.C. Lalnunsanga, learned counsel for the petitioner. Also heard



Mr. B. Deb, learned Advocate General for the State respondent Nos. 1 to 3, Mr.

C. Lalramzauva, learned Senior counsel for respondent No. 5 assisted by Mr. Jordan Rohmingthanga, learned counsel and Mr. R. Lalhmunsiamia, learned counsel for respondent No. 4.

2. This writ petition filed under Article 226 of the Constitution of India is for the issuance of the appropriate Writ or order in challenging the legality of the Notifications dated 02.05.2025, appointing Shri N. Zangura/respondent No. 5 as the Chief Executive Member, Lai Autonomous District Council, w.e.f. 30.04.2025 i.e., the date of approval of the Governor of Mizoram and the subsequent, Notification dated 07.05.2025 issued by the Secretary DC & MD Department declaring the appointment of the writ petitioner on 24.02.2025 null and void and consequently, declaring the budget for the year 2025-2026 presented by the petitioner also as null and void. And the order dated 08.05.2025 for conducting Floor test for respondent to prove his majority in the house on 16.05.2025.

3. The brief background of the case that led the petitioner to file the instant writ petition is that out of the 25 elected MDCs, 13 of them had formed the ZPM Legislature party and on 02.02.2025, the writ petitioner had informed the Governor of Mizoram that as he was their leader, the writ petitioner staked his



claim for being appointed as Chief Executive Member (herein after referred to as CEM) of Lai Autonomous District Council (hereinafter referred to as LADC) and consequently, vide notification dated 24.02.2025 issued by the Secretary, District Council & Minority Affairs, the writ petitioner was declared as CEM of LADC w.e.f. 24.02.2025, in exercise of the powers conferred by sub rule (40) of rule 21 of the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010 (also referred to as the LADC, (CCB) Rules, 2010). The notification further stated that as provided under Rule (5) of Rule 21 of the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010, the Governor of Mizoram directed the Chief Executive Member to secure a vote of confidence within 30 days from the date of appointment.

4. After the appointment of the petitioner as the Chief Executive Member, LADC, the Secretary LADC, Lawngtlai, issued a notification dated 04.03.2025 in exercise of the powers conferred upon him by Rule 32 Sub-Rule (2) of the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010 and in compliance with the order of the Hon'ble Governor, Mizoram, summoning its 11th Lai Autonomous District session on 18.03.2025 at 10:30 AM at the Lai Autonomous session hall, to secure a vote of confidence in favour of the newly appointed writ petitioner as Chief Executive Member, Lai Autonomous



District Council. However, on 18.03.2025, Shri V.L. Hmuaka, Chairman, LADC and Shri H. Lalmuansanga, Deputy Chairman, LADC submitted their respective resignation to the Governor through Secretary to the Government of Mizoram, and therefore the floor test was not held. Thereafter, Smt. Biakthansangi was accordingly appointed as the Protem Chairman on 24.03.2025 and on 26.03.2025, Shri T. Zakunga was elected as Chairman, LADC uncontested. Thereafter, on 02.04.2025, the new Chairman issued a notification undersub rule (4) rule 32 of the LADC (CCB) Rules, 2010, summoning the 11th LADC to sit for a emergency session commencing from 17th April, 2025 (Thursday) at 10:30 AM, wherein no other business was to be taken up except discussion of the LADC budget in the year 2025-2026 and election of Deputy Chairman. The emergency session approved and passed the LADC budget 2025-2026 and also elected Smt. Biakthansangi as the Deputy Chairman, LADC. The LADC emergency Session was prolonged on 22.04.2025 at 2:45 PM sine die. On 22.04.2025, the Secretary DC & MA in response to a letter dated 21.04.2025, from the Addl. Secretary to the Governor, had sent a letter to the Chairman, LADC reminding him to hold vote of confidence under Sub Rule (4) of Rule 21 of the LADC (CCB etc.) Rules, 2010 at the earliest and the Chairman was advised not to conduct any executive business of Council such as budget, appointment



etc. without vote of confidence. Chairman LADC vide communication dated 28.04.2025, wrote to the Governor, through the Secretary, Government of Mizoram, DC & MA department informing that the vote of confidence could not be held on the appointed date due to the resignation of the Chairman and Deputy Chairman, LADC and that since the 30 days for having a floor test had lapsed, a fresh order may be issued for conducting the Floor Test under Rule 21(5) of the LADC CCB Rules, 2010.

5. However, the Secretary, DC & MA Department issued the impugned order dated 02.05.2025 in exercise of the powers conferred by Sub Rule (1) of Rule 21 of the Lai Autonomous District Council (Constitution, Conduct of Business etc) Rules, 2010, appointing Shri N. Zangura/respondent No. 5 as the Chief Executive Member, Lai Autonomous District Council, w.e.f. 30.04.2025 i.e., the date of approval of the Governor of Mizoram. The Chief Executive Member/Shri N. Zangura was also directed to secure a vote of confidence within 10 (ten) days of his appointment as the Chief Executive Member as per Sub Rule 5 of Rule 21 of the (Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010. Subsequently, on 07.05.2025 the Secretary DC & MD Department issued the impugned notification declaring the appointment of the writ petitioner on 24.02.2025 null and void and consequently, the budget for the



year 2025-2026 presented by the petitioner was also declared null and void. The Governor of Mizoram further directed that no legislative business or administrative/executive decision be taken by LADC without the newly appointed Chief Executive Member Shri N. Zangura proving his majority on the floor of the house within 10 (ten) days.

Pursuant to the appointment of the new CEM, respondent No.5, the Chairman, LADC vide notification dated 08.05.2025 summoned the 11th Lai Autonomous District Council to sit for its session on 16.05.2025 at 10:30 am for having a Floor test on the appointment of the new CEM/respondent No.5.

6. Meanwhile, being aggrieved by the steps taken by the State respondents in passing the notifications dated 02.05.2025, 07.05.2025 & 08.05.2025, the writ petitioner had filed the present writ petition, wherein this court at the motion stage, vide it's order dated 15.05.2025 had observed that having regard to the fact that Floor Test in respect of respondent No. 5 is scheduled to be held on 16.05.2025 and at the same time, considered the fact that the respondent No. 5 was appointed on 02.05.2025, on which date, the appointment of the petitioner subsisted as CEM, LADC, had stayed the notification dated 08.05.2025

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7. Mr. J.C. Lalnunsanga, learned counsel for the petitioner submits that the State respondents had illegally issued a notification dated 02.05.2025 for appointment of the private respondent No. 5 as Chief Executive Member, LADC when the writ petitioner was still the CEM, LADC. There cannot be two CEMs on 02.05.2025. He submitted when that the notification dated 02.05.2025 declaring the appointment of the respondent No. 5 as CEM was issued, the appointment of the petitioner as CEM, LADC still subsisted since his appointment was declared null and void only on 07.05.2025.

The learned counsel submitted that there can be no two Chief Executive Committee under the Administration & Business of LADC and the manner in which Mr. N. Zangura had been directly appointed had never happened since 1988, which is in total violation of the LADC (CCB) Rules, 2010.

8. The learned counsel has referred to a case in filed before the High Court of Meghalaya in WP(C) No. 95 Of 2020 wherein the Governor had issued the impugned notification for the election of the Chairman of Khasi Hills Autonomous District Council while the petitioner was still holding the post of Chairman and therefore there was no vacate post. The said notification was stayed at the motion stage, however since the Governor withdrew the impugned



notification the Writ petitioner was disposed of on it becoming infructuous.

The learned counsel also submits that this court at the motion stage, in it's order dated 10.06.2025 had observed that considering the fact that the respondent No. 5 was appointed on 02.05.2025, on which date, the appointment of the petitioner subsisted as CEM, LADC, had also stayed the impugned notification dated 07.05.2025.

9. The learned court further submitted that the Governor had erred in issuing the impugned orders dated 07.05.2025 declaring the petitioner and the budget for the year 2025-2026 as null and void. He submitted that the Governor has not been empowered by any authority to declare the appointment of the petitioner as null and void when there is no such law or rule to terminate the petitioner in the manner in which he was terminated by the impugned notification dated 07.05.2025.

He submitted that the Governor cannot exercise his discretionary power and act without the aid and advice of the Council of Ministers unless specifically empowered to do so by law. The learned counsel has relied on the decision of the Apex court in the case of ***Pu Myllai Hlychho & Ors. vs. State Of Mizoram & Ors.***, reported in ***(2005) 2 SCC 92 (para 12,18,28)***, wherein the Apex court by a Constitution Court of five judges, had laid down the power



of the Governor in respect of 6th Schedule. The Supreme Court held that wherever the Constitution requires the satisfactory action 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 learned counsel submitted that the Governor ought to have sought the advice of the Council of Ministers and such crucial circumstances is laid down in *the case of Myllai Hlychho & Ors. (supra)*.

10. The learned counsel has also relied on the judgment of the Apex Court in ***Nabam Rebia & Bamang Felix v. Dy. Speaker, Arunachal Pradesh Legislative Assembly***, reported in **(2016) 8SCC 1** (para 145,153) wherein it was held that (quote) "*wherever the Constitution required the satisfaction of the President or the Governor, for the exercise of any power or function, as for example under Articles 123, 213, 311(2), 317, 352(1), 356 and 360, the satisfaction required by the Constitution was not the personal satisfaction of the President or the Governor "... but is the satisfaction of the President or of the Governor in the constitutional sense under the Cabinet system of Government"*. It is, therefore, clear that even though the Governor may be authorised to exercise some functions, under different provisions of the Constitution, the same are required to be exercised only on the basis of the aid and advice



tendered to him under Article 163, unless the Governor has been expressly authorised, by or under a constitutional provision, to discharge the function concerned, in his own discretion.”

11. The learned counsel submitted that the Governor cannot exercise his discretionary power under Art 20-BB of the Indian Constitution for issuing notification dt 02.05.2025 and notification dt 07.05.2025 and further, even if the Governor were to claim that he had acted under his discretionary powers vested upon him however, nowhere is it mentioned in the impugned orders that he has enjoyed his discretionary power for issuing the aforesaid impugned notifications.

12. The learned counsel further submitted that the writ petitioner can vacate his office or resign only by the procedure laid down in Rule 23 of the LADC, (CCB) Rules, 2010 i.e., when the CEM submits his resignation. He can also be removed under rule 83 of the LADC, (CCB) Rules, 2010, wherein the Executive Committee can be dissolved if there is a vote of no confidence. He also submitted that the State respondents have failed to follow the mandatory procedure provided under Rule 21 (5) of the LADC (CCB) Rules, 2010, wherein the Chief Executive Member was to secure vote of confidence within 30 days if the Hon'ble Governor considered it necessary to do so. The learned counsel



pointed out that the Addl. Secretary to the Governor in its letter dated 21.04.2025, had mentioned to hold vote of confidence under Sub Rule 4 of Rule 21 which is not applicable but the correct provision of law should have been Sub Rule 5 of Rule 21 of the LADC (CCB etc) Rules, 2010.

13. The learned counsel for the petitioner also submitted that the State respondents have failed to consider the justification given by the Chairman LADC on 28.04.2025 for not conducting the floor test which was due to the resignation of the Chairman and Deputy Chairman on the day the Floor Test was to be conducted and that the direction to conduct floor test to secure vote of confidence was not intimated to him within 30 days, whereby the 30 days had already lapsed to summon the session to conduct the floor test. He had been waiting for a fresh order for conducting of floor test as provided under Sub Rule 5 of Rule 21 of the LADC, (CCB) Rules, 2010.

14. The learned counsel further submitted that the law is not silent as to the position of the CEM after lapse of 30 days, since steps to be taken is provided under Rule 24 & 83 of the CCB Rules, 2010. He submitted that though the respondents claimed that the writ petitioners have lost their majority, however, they were able to pass the budget in spite of not having a floor test and also



submitted that the budget already passed cannot be declared invalid under Rule 50 & 51 of the CCB Rules, 2010.

He further submits that the mandatory procedure enshrined in Rule 24 of the LADC, (CCB) Rules, 2010 was not followed and that there is no motion moved as per Rule 83 of the LADC (CCB) Rules, 2010. That the Governor cannot directly pass notification dated 07.05.2025, for termination of the petitioner from the office of Chief Executive Member and cannot appoint the private respondents without holding floor test/vote of no confidence.

15. The learned counsel submitted that it is a settled principle of law laid down by the Apex Court that where a power is given to do a certain thing in a certain way the thing must be done in that way or not at all. In support of his submission, he has relied the case of ***Nazir Ahmad Vs. King Emperor***, reported in ***1936 SCC OnLine PC, 41*** wherein it was held that "where a power is given to do a certain thing in a certain way the thing must be done in that way or not at all. Other methods of performance are necessarily forbidden. The learned counsel has relied on the judgments of the Apex Court in ***Chandra Kishore Jha Vs. Mahavir Prasad & Ors.***, reported in ***(1999) 8 SCC 266***. He submitted that the said principle has been followed by this court in ***Cherukuri***



Mani Vs. Chief Secretary, Government of Andhra Pradesh & Ors,

reported in ***(2015) 13 SCC 722*** (para 14). The learned counsel also cited the judgment of the Apex Court in ***Municipal Corporation of Greater Mumbai (MCGM) Vs. Abhilash Lal & Ors.,*** reported in ***(2020) 13 SCC 234*** and ***OPTO Circuit India Limited Vs. Axis Bank & Ors.,*** reported in ***(2021) 6 SCC 707.***

The learned counsel thus submitted that the impugned notifications dated 02.05.2025, 07.05.2025 along with its connected are liable to be quashed and set aside.

16. Mr. Deb, learned Advocate General submitted that the main point to be decided by the court is whether the writ petitioner who was required to have a floor test can exercise the power of the Chief Executive Member, while he does not have any executive power and whether this court find it appropriate that the appointment of the petitioner subsisted on that date, in view of the fact that he had not proved his majority in the House. He submitted that though the learned counsel for the petitioner was referring to Rule 83 of the LADC, (CCB) Rules, 2010, however Rule 83 specifically mentions no confidence motion to be moved but this is not a case for moving no confidence motion. This case is where the



petitioner was asked to have a Floor Test under Rule 21(5) and to have vote of confidence within 30 days, which was not done so.

17. The learned Advocate General, submitted that in spite of there being no Floor Test, if his appointment is to be considered still subsisting, then the appointment of the new CEM is illegal considering the interim order which was passed by this court at the motion stage, however, this is a peculiar situation where the Chairman and the Deputy Chairman had resigned before the floor test could be conducted, but as per the prevailing rule, the petitioner could not prove his majority inside the House. As such the Governor had exercised his discretionary power to appoint the new CEM.

18. The learned Advocate General has cited the case of ***Subhash Desai Vs. Principal Secretary, Governor or Maharashtra & Ors.***, reported in **(2024) 2 SCC 719** wherein, a peculiar situation had also arisen wherein the concerned Chief Minister had not faced floor test. The learned Advocate General thus submitted that the discretionary power of Hon'ble Governor should be exercised for the public interest at large and it is in the interest of public that the Hon'ble Governor had appointed respondent No. 5 as CEM since the petitioner did not prove his majority in the house. The learned Advocate General submitted that



invoking Rule 32 (6) or Rule 50 & 51 of the CCB Rules is not applicable in the instant case.

19. The learned Advocate General further submitted that by virtue of Rule 21 (4) of the LADC, (CCB) Rules, 2010, the Hon'ble Governor is bestowed with the power to remove difficulties in respect to the functioning of the District Council in so far as they are not inconsistent with the CCB Rules or any provisions of the Constitution which appears to him that it is necessary for the proper functioning of the District Council. As the respondent No. 5 had staked claim that he had the support of the majority of the members so as to form a Government while the petitioner has failed to prove his majority, irrespective of the opportunity given to him, the Hon'ble Governor exercising his discretionary power had accordingly declared the appointment of the petitioner as CEM null and void and subsequently appointed the respondent No. 5 with a direction to secure vote of confidence within 10 days from the date of the appointment. The learned Advocate General further submitted that Rule 83 (1) of the CCB Rules provides that *"A motion expressing want of confidence in the Executive Committee or a motion disapproving the policy of the Executive Committee in regard to any particular matter may be made with the consent of the Chairman"*. He submitted the word "shall" generally indicates a mandatory obligation while "may"



indicates a discretionary power. He submitted that given the factual situation and considering the provisions of the LADC, (CCB) Rules, 2010, the appointment of respondent No. 5 as CEM is not void nor illegal. Moreover, no motion was moved by any member under the provisions of Rule 83(1) LADC, (CCB) Rules, 2010 and therefore not appropriate in the instant situation.

20. The Advocate General thus submitted that it is for the court to decide whether the action of the Governor in appointing a fresh CEM under the relevant rules would be appropriate, especially when the rule is silent about what happens if a floor test is not conducted within the stipulated 30 days period. The learned Advocate General, however, submitted that the principles of democratic set up is however to be followed, wherein the person having the majority in the court of confidence must be considered.

21. Mr. C. Lalramzauva, learned senior counsel submitted that the petitioner was not willing to have a floor test within the stipulated 30 days from the date of his appointment on 24.02.2025 in terms of Rule 21(4) of the 2010 rules and thus the Governor, in exercise of his discretionary powers, had appointed the respondent No. 5 as the new CEM on 02.05.2025 in terms of Rule 21(4) of the 2010 who was having the majority and was to have a Floor Test within 10 days



to prove his majority on 16.05.2025. However, before the floor test could be held, the instant writ petition was filed wherein the petitioner has challenged his dismissal vide order dated 07.05.2025 and still claimed to be the CEM though he was not willing to undergo the floor test within the 30 days. Thus both, the petitioner and the respondent No. 5 are claiming the post of CEM without neither of them having gone through the floor test to secure their claim of having majority over the house. He submitted that the petitioner did not go through the floor test even though he had summoned a special session on 17.04.2025 for passing the budget and appointment of the Deputy Chairman, in spite of the fact that there was already a Chairman of the LADC and a floor test could have been held at that time.

22. The learned Sr. counsel submitted both the petitioner and private respondent No. 5 can be termed only as 'CEM designate' unless and until they prove their majority by way of conducting a floor test. The petitioner, even though he had not gone through the floor test was acting as a 'de facto CEM' and not a 'CEM designate' by passing the budget for 2025-2026 which was subsequently held null and void by the notification dated 07.05.2025.

23. The learned Sr. Counsel submitted that as stated by the learned Advocate



General, the moot question in the instant appeal is whether the petitioner who did not prove his majority in the house can exercise any executive power and pass the budget for 2025-2026.

24. The learned Sr. Counsel submitted that the law has been well settled by a catena of judgments of the Apex Court that since the parliament or the legislative assemble or in the instant case, even the LADC, the elected bodies represent the will of the people and not the Governor, floor test is the only solution and because of which, the Governor while making the appointment of the respondent No. 5 had also directed that he was to have a floor test within 10 days, however before he could prove his majority, the instant writ petition was filed wherein the date fixed for floor test has been stayed.

The learned Sr. Counsel submitted that the present situation can be settled only by way of a floor test which is to be conducted by the Chairman of the LADC.

25. The learned Sr. Counsel relied on the case of ***Shiv Sena & Ors. Vs. Union of India & Ors.***, reported in ***(2019) 10 SCC 809*** (para 6, 19, 21, 22, 23) wherein the Apex court had held that in a case where *oath has not been administered to the elected members even though a month has elapsed since the declaration of election results. In such emergent facts and circumstances, to*



curtail unlawful practices such as horse trading, to avoid uncertainty and to effectuate smooth running of democracy by ensuring a stable Government, the court held it is necessary and expedient to conduct the floor test as soon as possible to determine whether the Chief Minister, who was administered the oath of office, has the support of the majority or not and request the Governor of the State of Maharashtra to ensure that a floor test be held on 27-11-2019. And for Pro tem Speaker shall be solely appointed for the aforesaid agenda immediately.

The learned Sr. Counsel has also relied on the judgment of the Apex court in ***Shivraj Singh Chouhan & Ors. Vs. Speaker Madhya Pradesh Legislative Assembly & Ors.***, reported in ***(2020) 17 SCC 1*** (para 63, 77, 78 & 88) wherein the Apex court had reiterated the decisions of the court in ***S.R. Bommai case (supra)***, ***Shiv Sena & Ors. (supra)*** by directing that floor test to be conducted. He further submitted that in ***Chandrakant Kavlekar Vs. Union of India***, reported in ***(2017) 3 SCC 758*** (para 5,6,7), the Apex court considering the sensitive and contentious issue involved in the case was of the opinion that the issue raised on behalf of the petitioner can be resolved by a simple direction, requiring the holding of a floor test at the earliest. The holding of the floor test would remove all possible ambiguities, and would result in giving the democratic process, the required credibility.



26. The learned counsel thus submitted that in light of the decisions of the Apex court and to uphold the principles of democracy, the best solution in the instant case is also to have a floor test. The Governor had also directed the petitioner and the respondent No.5 to have a floor test which had not taken place till date and neither the petitioner nor the respondent No.5 have proved their majority in the house and therefore neither of them can take any executive decision or action till their majority is proved in the house.

27. The learned Senior Counsel further submitted that whether the appointment of petitioner still subsists when no the floor test was conducted, is an academic question since the rules are silent on this issue. He also submitted that whether the budget can be declared null and void by the Governor and whether the Governor had rightly appointed the respondent No. 5 as the new CEM and then later, declared the appointment of the petitioner as CEM null and void, are matters which can also be considered as appropriate for academic discussion.

28. The learned Senior Counsel further submitted that the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules 2010 have been made in exercise of the powers under of the Sixth Schedule to the constitution



of India, read with para 20 BB of the Schedule. Where in sub-para (7) of paragraph 2 comes under para 20 BB where there is a provision for the Governor to exercise its discretionary powers in the discharge of his functions. He thus submits that once the Rule is made under the discretionary power of the Governor, it is not necessary for the Governor to get take the aid and advice of the council of ministers.

The learned Senior Counsel also submitted that the powers conferred to the Governor in respect of tribal areas of the 6th Schedule of the Constitution are discretionary power, meaning that the Governor is not bound by the advice of the State Council of Ministers. The Supreme Court has recognized that the 6th Schedule gives the Governor a unique constitutional role, particularly as a guardian of tribal interest. Under Rule 4 of the LADC, (CCB) Rules, 2010, the Governor has the power to remove difficulties with respect to the functioning of the District Council so far as they are not inconsistent with the 2010 CCB Rules or the Constitution. He submitted that in order to remove the difficulties that has greatly affected the smooth functioning of the LADC, the Governor has exercised the powers conferred by him under Rule 4 and thereafter, acted in accordance with the provisions of Rule 21 (5) of the LADC, (CCB) Rules, 2010 by declaring the appointment of the petitioner as CEM null and void since he had



failed to prove his majority in the house within time.

29. The learned Senior Counsel also submitted that Rule 83 is to be applied only when the Government has been established and thereafter, a vote of no confidence is to be tested in the instant case. Both the writ petitioner and the respondent No. 5 have not faced the floor test and cannot be said to have formed a Government by having the majority in the House and therefore, it cannot take any action till the floor test is conducted.

30. The learned Senior Counsel submitted that the best solution in the instant case is also be in the court to fix the date for conducting the floor test without looking into the merits of the case, wherein the problem can be solved as to who is having the majority support of the House.

The learned Senior Counsel also express urgency in the matter, since it is not just the parties in the instant case but the public which are facing much hardship since the budget for the year 2025-2026 has also been held null and void and no steps for the development of the area can be taken till date.

31. Mr. Jordan Rohmingthanga, in addition to the submissions made by Mr. C. Lalramzauva, learned Senior Counsel, submits that the Apex Court in ***Shivraj***



Singh Chouhan & Ors. (supra) at para 71, held that *where the exercise of the discretion by the Governor to call a floor test is challenged before the court, it is not immune from judicial review. The court is entitled to determine whether in calling for the floor test, the Governor did so on the basis of objective material and reasons which were relevant and germane to the exercise of the power.* He submitted that the writ petitioner did not deal with this aspect in their writ petition.

32. The learned counsel further submitted that on the perusal of the counter affidavit of the State respondents it is clarified that when the respondent no. 5 was appointed as CEM on 02.05.2025, he had the majority of 13 members of the house and therefore the respondent was rightly appointed as the new CEM having the majority support of the House. The learned counsel has also referred to the counter affidavit filed by respondent No. 4, which clarified that there was adequate communication from the respondents, for the petitioner to conduct a floor test, whereas the petitioner had avoided conducting the floor test and therefore has failed to prove his majority.

33. The learned counsel has also referred to the judgment of the Apex court in ***Subhash Desai (supra)*** where the Apex court held at para 186 that :

“..... *If the Speaker and the Government attempt to circumvent a no-*



confidence motion, the Governor would be justified in exercising the power under Article 174 without the aid and advice of the Council of Ministers."

The learned counsel submitted that in the instant case also the same situation had arisen when the petitioner tried to circumvent the floor test and thus the Governor had exercised its power without the aid and advice of the council of ministers.

34. In rebuttal, Mr. J.C. Lalnunsanga, learned counsel for the petitioner submits that the learned counsels for the respondents have not address the main issue in the instant case by not addressing the CCB Rules, 2010. He submitted that though the floor test is required to be held, however, the floor test will be required to test the majority of the first Government formed which is with the writ petitioner and not after the appointment of the respondent No. 5. He submitted that in the case referred to by the respondents in ***SR Bommai Vs. Union of India case (Supra)*** case, the facts are different, wherein it is not the case where ***SR Bommai*** had refused to conduct a floor test but he was not given the time to prove his majority as the Governor had proclaim President's Rule. It was then decided by the court that the Governor cannot declare the President's Rule without the matter being placed before the House.

35. The learned counsel also referred to the case in ***Shivraj Singh Chouhan***



& Ors. Vs. Speaker Madhya Pradesh Legislative Assembly & Ors.,

reported in **(2020) 17 SCC 1** para 65, 65(2). He submitted that as per the judgments cited by the respondents, it is the incumbent Government which has to be tested.

36. The learned counsel submitted that the floor test will have to be conducted with the writ petitioner still being the CEM, since the writ petitioner was not able to conduct the floor test only due to the resignation of the Chairman and the Deputy Chairman before the floor test could be conducted within the stipulated time. The learned counsel further submitted that the case relied on by the respondents in **Shiv Sena & Ors. Vs. Union of India & Ors.,** reported in **(2019) 10 SCC 809** is not applicable in this case since the facts of the case is not with regards to the 6th Schedule where the power of the Governor was discussed by the Apex Court. The learned counsel submits that in the instant case, the LADC have their own Rules and Rule 24, 50, 51 & 83 are the appropriate Rules applicable in this case. He submits that when there exists the Rules, then the confidence has to be done as per the Rules.

He again submitted that the petitioner never objected to having a floor test and does not object to having the floor test. However, it should not be the



incumbent Government i.e., the petitioner who should be tested in the floor test. He also cited the case of the Apex Court in ***Subhash Desai Vs. Principal Secretary, Governor of Maharashtra & Ors.***, reported in ***(2024) 2 SCC 719*** and the case of ***Myllai Hlychho & Ors. Vs. State of Mizoram & Ors.*** case which held that the Governor may exercise its discretionary power in consultation with the Council of Ministers whereas the Governor in the instant case had not taken the aid and advice of the council of Ministers while issuing the impugned notifications.

37. This court has given its anxious consideration to the submissions made by the learned counsels for both the parties and has perused the documents on record.

The undisputed facts as already narrated in the above paragraphs need not be repeated. This court from the facts of the case and the submissions of the learned counsels for both the parties, the points for consideration are:

i. Whether the appointment of the petitioner as CEM, LADC still subsisted when the impugned order dated 02.05.2025, appointing the respondent no.5 as the new CEM, LADC is issued and if so whether the order dated 02.05,2025 is liable to be set aside.



ii. Whether the order dated 07.05.2025 declaring the appointment of the petitioner as CEM, LADC on 24.02.2025 as null and void is liable to be set aside.

iii. Whether this court should pass an order for a floor test to be held considering the fact that the writ petition after his appointment as CEM, LADC on 24.02.2025 has still not proved his majority through a floor test as envisaged under Rule 21 (5) of the LADC, (CCB) Rules, 2010.

iv. Whether the order dated 07.05.2025 declaring the budget 2025-2026 passed without the petitioner proving his majority in the house as null and void is liable to be set aside.

38. It is seen that this court at the motion stage, in it's order dated 15.05.2025, had made an observation as herein under:

“That having regard to the fact that Floor Test in respect of respondent No.5 is scheduled to be held on 16.05.2025 and at the same time, considered the fact that the respondent No. 5 was appointed on 02.05.2025, on which date, the appointment of the petitioner subsisted as CEM, LADC, it is hereby directed that till the next returnable date, the impugned Notification dated 08.05.2025 shall remain stayed”.



39. This court thus finds that when the appointment of the petitioner was not declared null and void at the time when the respondent No.5 was appointed as the new CEM on 02.05.2025, however, subsequently vide notification dated 07.05.2025 the appointment of the petitioner was declared null and void. Thus, this court finds that, the very fact that the Governor found it necessary to declare the appointment of the petitioner as null and void, by a subsequent notification dated 07.05.2025, itself indicated that the appointment of the petitioner subsisted as CEM, LADC, on 02.05.2025. Therefore, considering the fact that the existing law does not provide for the existence of two CEMs, this court finds that the appointment of respondent no.5 as CEM, LADC on 02.05.2025, before nullifying the previous appointment of the petitioner as CEM, LADC cannot hold water under the given circumstances.

40. On the question of the legality of the impugned Notification dated 07.05.2025, declaring the appointment of the petitioner as CEM, LADC on 24.02.2025 as null and void, this court finds that the Notification does not mention whether it was on the exercise of the discretionary power of the Hon'ble Governor or under what provision of law the said notification was notified. A perusal of the directions conveyed by the Hon'ble Governor vide orders dated 02.05.2025 and 05.05.2025, also does not state that the Hon'ble



Governor had exercised his discretionary powers. It is seen that the reason for the declaration of the appointment of the petitioner as null and void is because he had not proved his majority in the house by having a floor test within 30 days from his appointment on 24.02.2025. A perusal of the mentioned orders of the Hon'ble Governor dated 02.05.2025 and 05.05.2025 also simply mentions *"that the petitioner did not prove his majority on the floor of the house despite clear instruction. Without proving majority he presented the budget for the year 2025-2026. Which is in clear violation of rules. Therefore, the election of previous CEM/petitioner be declared null and void....."*

This court finds that in orders dated 02.05.2025 and 05.05.2025, there is no mention that the Hon'ble Governor was exercising his discretionary power nor is any provision of law cited for making the orders.

41. As submitted by the learned counsels and on perusal of the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010, the law appears to be silent on what happens if the CEM fails to prove his majority within the specified 30 days period. This court thus finds that this appears to be a peculiar situation wherein the Hon'ble Governor is required to take a decision, however, the Apex Court had in a number of cases observed that wherever the Constitution requires the satisfactory action 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.

This court finds it appropriate to reproduce the observations of the Apex court in ***Myllai Hlychho & Ors. (supra)***, which this court finds would also be appropriately applicable for the declaration of the appointment of the writ petitioner as null and void in a democratic form of government. The appropriate paragraphs are reproduced herein under:

“5. When the matter came up for consideration before a Bench of two Judges on 27-1-2003, the following order was passed:

“Leave granted.

The issue which has been raised in this appeal relates to the interpretation of para 2(1) and sub-para (6-A) of para 2 read with para 20-BB of the Sixth Schedule to the Constitution. The dispute centres around the nature of the discretion to be exercised by the Governor in nominating and removing persons to the District Councils of Mizoram. We are of the view that the issue raises a substantial question of law as to the interpretation of the constitutional provisions having repercussions throughout the State of Mizoram. In terms of Article 145(3), the matter must be placed before the Hon'ble Chief Justice. The



application for interim relief is also referred along with the main appeal.”

11. Sub-para (6-A) of para 2 further shows that the members thus nominated shall hold office at the pleasure of the Governor. The Governor is given powers to terminate the membership of the Council under sub-para (6-A) of para 2. The Governor is not given any discretion under para 20-BB, in respect of powers to be exercised under sub-para (6-A) of para 2. Under the discretionary powers of the Governor in discharge of his functions, the power to be exercised under sub-para (6-A) of para 2 is not included, whereas it is specifically mentioned that the power of the Governor to be exercised under sub-para (1) of para 2 could be exercised in his discretion in the mode prescribed under para 20-BB of the Sixth Schedule. Thus, these provisions would show that as regards the nomination of four members to MADC, the Governor can exercise the discretionary powers whereas the power of termination of the members under sub-para (6-A) of para 2 is not left to the discretion of the Governor, but he shall exercise the same as envisaged under the constitutional provisions in a democratic form of government which is explicitly made clear by various provisions of the Constitution, especially Article 163, which is to the following effect:

“163. Council of Ministers to aid and advise Governor.—(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the



Governor in the exercise of his functions, except insofar as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

(2) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.

(3) The question whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.

12. There are several powers and duties for the Governor and some of these powers are to be exercised in his discretion and some other powers are to be exercised by him with the aid and advice of the Council of Ministers. The executive powers of the State are vested in the Governor under Article 154(1). Article 163(1) states that there shall be a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions, except insofar as he is by or under this Constitution, required to exercise his functions or any of them in his discretion.

13. Article 163(2) states that if any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution



required to act in his discretion, the decision of the Governor in his discretion shall be final and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion. Article 143 in the Draft Constitution became Article 163 in the Constitution. The Draft Constitution in Article 144(6) said that the functions of the Governor under that article with respect to the appointment and dismissal of Ministers shall be exercised by him in his discretion. This draft article was omitted when it became Article 164 in the Constitution. There are certain powers and functions of the Governor which speak of the special responsibilities of the Governor. These articles are 371-A(1)(b), 371-A(1)(d), 371-A(2)(b) and 371-A(2)(f). Similarly, there are certain provisions in the Sixth Schedule, where the words "in his discretion" are used in relation to certain powers to be exercised by the Governor.

21. Based on this, it was argued that the tribal areas are to be administered as per the provisions of the Sixth Schedule only. This contention of the appellants cannot be accepted for various reasons. The Sixth Schedule to the Constitution is a part of the Constitution and cannot be interpreted by forgetting the other provisions in the Constitution. It is impossible to visualise complete segregation of the Sixth Schedule from the rest of the Constitution.



14. Our Constitution envisages the parliamentary or cabinet system of government of the British model both for the Union and the States. Under the cabinet system of government as embodied in our Constitution, the Governor is the constitutional or formal head of the State and he exercises all his powers and functions conferred on him by or under the Constitution on the aid and advice of the Council of Ministers save in spheres where the Governor is required by or under the Constitution to exercise his functions in his discretion.

15. The executive power also partakes in the legislative or certain judicial actions. 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."

It is seen that it is an admitted fact that though an unusual situation had



arisen in the instant case, the aid and advice of the council of Ministers was not taken before the impugned dated 07.05.2025 was issued, wherein there is no mention that the Hon'ble Governor can exercise 'his discretion ' in the related situation.

42. This court also finds it appropriate to refer to the decision of the Apex court in ***S.R. Bommai v. Union of India, (supra)*** wherein the Apex court held as follows:

“434. (1) Article 356 of the Constitution confers a power upon the President to be exercised only where he is satisfied that a situation has arisen where the Government of a State cannot be carried on in accordance with the provisions of the Constitution. Under our Constitution, the power is really that of the Union Council of Ministers with the Prime Minister at its head. The satisfaction contemplated by the article is subjective in nature.

(2) The power conferred by Article 356 upon the President is a conditioned power. It is not an absolute power. The existence of material — which may comprise of or include the report(s) of the Governor — is a pre-condition. The satisfaction must be formed on relevant material. The recommendations of the Sarkaria Commission with respect to the exercise of power under Article 356 do merit serious consideration at the hands of all concerned.

.....



(4) The Proclamation under clause (1) can be issued only where the situation contemplated by the clause arises. In such a situation, the Government has to go. There is no room for holding that the President can take over some of the functions and powers of the State Government while keeping the State Government in office. There cannot be two Governments in one sphere.

.....

(7) The Proclamation under Article 356(1) is not immune from judicial review. The Supreme Court or the High Court can strike down the Proclamation if it is found to be mala fide or based on wholly irrelevant or extraneous grounds. The deletion of clause (5) [which was introduced by the 38th (Amendment) Act] by the 44th (Amendment) Act, removes the cloud on the reviewability of the action. When called upon, the Union of India has to produce the material on the basis of which action was taken. It cannot refuse to do so, if it seeks to defend the action. The court will not go into the correctness of the material or its adequacy. Its enquiry is limited to see whether the material was relevant to the action. Even if part of the material is irrelevant, the court cannot interfere so long as there is some material which is relevant to the action taken.”

Thus, in view of the observations discussed above and the decision of the Apex court, this court finds that the notification declaring the appointment of



the petitioner as CEM, LADC on 24.02.2025 as null and void, was issued without mentioning the provision of law under which it was passed and without following the required procedure of taking the aid and advice of the council of Ministers. It is seen that the Hon'ble Governor had taken the decision because the writ petitioner had failed to prove his majority in the house till date, however, this court is of the considered view that it is for the elected members of the house, who are the representatives of the people, to decide whether the writ petitioner was still having the majority support of the house and therefore the order dated 07.05.2025 declaring the appointment of the petitioner as CEM, LADC on 24.02.2025 as null and void cannot be said to be justifiable and is therefore liable to be set aside.

43. It is, however, seen that in the appointment of the petitioner vide notification dated 24.02.2025 as the Chief Executive Member (CEM) under Rule 21(4) of the LADC (CCB) 2010 Rules, comes with was a clear direction to have the floor test to secure a vote of confidence within 30 days as provided under Rule 21 (5) of the CCB 2010 Rules, which was not done so in the instant case for whatsoever reasons cited by the writ petitioner. It is thus found it imperative that the petitioner should through the floor test to secure his claim of having majority over the house before he can take any executive decision or action as a



CEM of the LADC.

44. This court, while considering the appropriateness of passing a direction for the petitioner to face the floor test to prove that he has the majority support in the House, find that the Apex court in ***Shiv Sena v. Union of India, (supra)*** had held as follows:

“19. In this context, this Court in Union of India v. Harish Chandra Singh Rawat [Union of India v. Harish Chandra Singh Rawat, (2016) 16 SCC 744 : (2016) 16 SCC 752] , held as follows : (SCC p. 754, para 30)

“30. ... This Court, being the sentinel on the qui vive of the Constitution is under the obligation to see that the democracy prevails and not gets hollowed by individuals. The directions which have been given on the last occasion, were singularly for the purpose of strengthening the democratic values and the constitutional norms. The collective trust in the legislature is founded on the bedrock of the constitutional trust.”

20. In a situation wherein, if the floor test is delayed, there is a possibility of horse trading, it becomes incumbent upon the Court to act to protect democratic values. An immediate floor test, in such a case, might be the most effective mechanism to do so. A similar view was expounded by B.P. Jeevan Reddy, J., in the celebrated nine-Judge Bench decision of this Court in S.R.



Bommai v. Union of India [S.R. Bommai v. Union of India, (1994) 3 SCC 1] , wherein he held as follows : (SCC pp. 277-78, para 395)

“395. The High Court [S.R. Bommai v. Union of India, 1989 SCC OnLine Kar 253 : ILR 1989 Kar 2425] , in our opinion, erred in holding that the floor test is not obligatory. If only one keeps in mind the democratic principle underlying the Constitution and the fact that it is the Legislative Assembly that represents the will of the people — and not the Governor — the position would be clear beyond any doubt. ... There could be no question of the Governor making an assessment of his own. The loss of confidence of the House was an objective fact, which could have been demonstrated, one way or the other, on the floor of the House. In our opinion, wherever a doubt arises whether the Council of Ministers has lost the confidence of the House, the way of testing it is on the floor of the House except in an extraordinary situation where because of all-pervasive violence, the Governor comes to the conclusion — and records the same in his report — that for the reasons mentioned by him, a free vote is not possible in the House.”

23. Six years later, in Anil Kumar Jha v. Union of India [Anil Kumar Jha v. Union of India, (2005) 3 SCC 150] , similar directions were passed by this Court after recording and taking notice of events that had taken place and few



developments which were in the offing, as reported in the media, to observe and direct as follows : (SCC p. 152, para 5)

“5. Though many a relief has been sought for in the writ petition, as also in the application for grant of ex parte stay, for the present, we are satisfied that a strong prima facie case on the averments made in the petition duly supported by affidavit, has been made out to issue the following interim directions and we order accordingly:

(1) The session of the Jharkhand State Assembly has already been convened for 10-3-2005 on which day the newly elected Members of the Legislative Assembly shall be administered oath. We direct the session to continue and on 11-3-2005 i.e. the next day and on that day the vote of confidence to be put to test.

(2) The only agenda in the Assembly on 11-3-2005 would be to have a floor test between the contending political alliances in order to see which of the political parties or alliance has a majority in the House and hence a claim for Chief Ministership.

(3) It is emphasised that the proceedings in the Assembly shall be totally peaceful, and disturbance, if any, caused therein shall be viewed seriously.

(4) The result of the floor test would be announced by the pro tem Speaker



faithfully and truthfully.

(5) This order by the Court shall constitute notice of the meeting of the Assembly for 11-3-2005 and no separate notice would be required.

(6) Till 11-3-2005 there shall be no nomination in view of Article 333 of the Constitution and the floor test shall remain confined to the 81 elected members only.

(7) We direct the Chief Secretary and the Director General of Police, State of Jharkhand to see that all the elected Members of the Legislative Assembly freely, safely and securely attend the Assembly and no interference or hindrance is caused by anyone therein. Dr A.M. Singhvi, learned Senior Counsel appearing for the State of Jharkhand through the Chief Secretary and the Director General of Police has very fairly assured the Court that even otherwise it is the duty of the State and its high officials to take care to do so and the direction made by the Court shall be complied with in letter and spirit.”

45. Likewise, the Apex court in ***Shivraj Singh Chouhan v. M.P. Legislative Assembly (supra)*** had observed and passed the following order:-

“88. The challenge to the communication of the Governor must fail for the reasons that we have already indicated. After the conclusion of the argument, this Court had pronounced its operative directions.



“1. Submissions extending over two days were addressed before the Court by the learned counsel appearing on behalf of the contesting parties in the two writ petitions instituted under Article 32 of the Constitution.

2. We have heard Mr Dushyant Dave, Dr A.M. Singhvi, Mr Kapil Sibal, Mr Vivek Tankha and Mr Harin Raval, learned Senior Counsel, on one side and Mr Tushar Mehta, learned Solicitor General, Mr Mukul Rohatgi and Mr Maninder Singh, learned Senior Counsel, on the other.

3. The former set of counsel have assailed the communication of the Governor to convene a floor test. The latter set of counsel have supported the communication of the Governor.

4. The submissions which have been urged before the Court would necessitate a judgment which would take some time to be delivered. The state of uncertainty in the State of Madhya Pradesh must be effectively resolved by issuing a direction for convening a floor test, bearing in mind the principles which have been enunciated in the decision of the nine-Judge Bench of this Court in S.R. Bommai v. Union of India [S.R. Bommai v. Union of India, (1994) 3 SCC 1] and in the decision of the Constitution Bench in Nabam Rebia & Bamang Felix v. Arunachal Pradesh Legislative Assembly [Nabam Rebia & Bamang Felix v. Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1] . These principles have been consistently reiterated in several subsequent decisions of



this Court which would be adverted to in the course of the reasons which will follow.

5. We accordingly issue the following directions:

(i) The session of the Madhya Pradesh Legislative Assembly which has been deferred to 26-3-2020 shall be reconvened on 20-3-2020;

(ii) The meeting to be convened in pursuance of (i) above shall be confined to a single agenda, namely, whether the Government of the incumbent Chief Minister continues to enjoy the confidence of the House;

(iii) Voting on agenda (ii) above shall take place by show of hands (the Governor having clarified by his letter dated 15-3-2020 that there is no provision for recording the division by "press of button");

(iv) The proceedings before the Legislative Assembly shall be videographed and, if a provision exists for live telecast of the proceedings, this shall in addition be ensured;

(v) All authorities, including the Legislative Secretary, shall ensure that there is no breach of law and order in the course of the proceedings and that the floor test is conducted in a peaceful manner;

(vi) The floor test in pursuance of the above directions shall be concluded by 5.00 pm on 20-3-2020; and



(vii) The Director General of Police, Karnataka as well as the Director General of Police, Madhya Pradesh shall ensure that there shall be no restraint or hindrance whatsoever on any of the sixteen MLAs taking recourse to their rights and liberties as citizens. In the event that they or any of them opt to attend the session of the Legislative Assembly, arrangements for their security shall be provided by all the authorities concerned."

46. The Apex court in ***Chandrakant Kavlekar Vs. Union of India, (supra)*** had observed and passed the following order:-

"5. During the course of hearing, we were satisfied that the instant sensitive and contentious issue raised on behalf of the petitioner can be resolved by a simple direction, requiring the holding of a floor test at the earliest. The holding of the floor test would remove all possible ambiguities, and would result in giving the democratic process, the required credibility.

6. We therefore hereby direct, that all prerequisite formalities for holding a floor test, including the formalities required to be completed by the Election Commission, be completed by 15-3-2017. We request the Governor of the State of Goa to ensure that a floor test is held on 16-3-2017, and the only agenda for the day would be, the holding of a floor test to determine whether the Chief Minister administered the oath of office, has support of the majority. The floor



test shall be held on 16-3-2017, as early as possible, but surely during the course of the same day."

47. Thus, considering the peculiar situation that has arisen in the instant case, this court finds that it is imperative for the writ petitioner to prove that he has the majority support in the House in terms of Rule 21 (5) of the LADC, (CCB) Rules, 2010 and as stipulated in his appointment order dated on 24.02.2025 before he can take up any executive action as the CEM, LADC.

Accordingly, in view of the decisions of the Apex court as discussed above, this court finds it appropriate to direct the petitioner to go through the floor test in terms of Rule 21 (5) of the LADC, (CCB) Rules, 2010. Thus, all the stake holders are to take immediate necessary steps to ensure that a floor test is held for the petitioner to prove that he has the required majority support of the House within the outer limit of 2(two) weeks from the date of receiving a certified true copy of this order.

48. This court has also observed that the Budget for 2025-2026 was passed when the new Chairman issued a notification on 02.04.2025, under sub Rule (4) Rule 32 of the LADC (CCB) Rules, 2010, summoning the 11th LADC to sit for an emergency session commencing from 17th April, 2025 (Thursday) at 10:30 AM, wherein no other business was to be taken up except discussion of the LADC



budget in the year 2025-2026 and election of Deputy Chairman. This court finds that this budget was passed before the petitioner had gone through the mandatory requirement of proving that he had the majority support of the House by undergoing the required Floor Test under Rule 21 (5) of the LADC, (CCB) Rules, 2010 and therefore find that this cannot be held sustainable, as it is found that in the passing of the budget for 2025-2026, the prescribed requirements and procedure of the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010 has not been fully complied with. This Court therefore finds no reason to interfere with the order dated 07.05.2025 in declaring the Budget 2025-2026 null and void, since the petitioner had not proved his majority support in the House to enable him to take any execution action etc.

49. The writ petition WP (C) No. 46 of 2025 thus stands disposed of as above.

JUDGE

Comparing Assistant