

MC No. 55 of 2014
IN WA No. 51 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

In view of the order of the date passed in WA No. 51
of 2014, the interim stay application also stands
dismissed. Misc. Case No. 55 of 2014 stands disposed of.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

MC No. 65 of 2014
IN WA No. 59 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

MC No. 66 of 2014
IN WA No. 60 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

MC No. 68 of 2014
IN WA No. 62 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Shri K Paul, Advocate, present for the petitioner.

Ms NG Shylla, GA, present for the respondents.

Affidavit-in-opposition has been filed on behalf of respondent No. 3. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed one week's time to file rejoinder affidavit.

List this matter on 11.08.2014. Meanwhile, other respondents are allowed to file their counter affidavits.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

THE HIGH COURT OF MEGHALAYA

Review Petn No. 1 of 2014
IN WP(C) No. 22 of 2011

Shri Brimsingh Mawphniang, s/o Smti Klat Mawphniang
Village, Nongladew, BPO Nongladew via PO Nongpoh,
District : Ri-Bhoi, Meghalaya.

..... **Appellant**

-Versus-

1. State of Meghalaya, represented by the Commissioner
& Secretary, Department of District Council Affairs, Govt.
of Meghalaya, Shillong.

2. The Executive Committee Khasi Hills Autonomous
District Council, Shillong, represented by the Chief
Executive Member.

3. The Syiem of Hima Nongkhlaw, Nongkhlaw Syiemship,
Mairang.

..... **Respondents**

Shri SD Upadhaya, Advocate, for the petitioner.

Shri R Gurung, Govt. Advocate, for respondent No. 1.

Ms PS Nongbri, Advocate, present for respondent No. 2.

Shri PN Nongbri, Advocate, present for respondent No. 3.

Date of Order 1st August, 2014.

HON'BLE THE CHIEF JUSTICE

and HON'BLE MR JUSTICE SR SEN

O R D E R

Oral : Hon'ble Chief Justice, Prafulla C Pant.

Heard.

2. By means of this review application, the review applicant/writ petitioner has sought review of judgment and order dated 29.11.2013 passed by this Court in WP(C)No. 22 of 2011, whereby, said writ petition was dismissed on the ground that Nongladew is locality of village Umsong.

3. Annexure B to the review application is the copy of extract of appendix II of the Schedule of Assam and Meghalaya Autonomous District (Constitution of District Council) Rules, 1951. Said document discloses the names of villages of various Syiemships of Ri-Bhoi District, including Nongkhlaw Syiemship. The appendix which is a part of the Schedule of the abovementioned Rules of 1951 further discloses that among others two villages Umsong and Nongladew are a part of Nongkhlaw Syiemship. Careful reading of the appendix II shows that between Umsong and Nongladew a comma (,) has been found indicating that there are two separate villages Umsong and Nongladew.

4. Since at the time when order sought to be reviewed passed in the writ petition, appendix II of the

aforesaid Rules of 1951 was not produced before us as such this Court observed Umsong is a part of locality of Nongladew, which prima facie appears to be against what is mentioned in the appendix II of Schedule of Assam and Meghalaya Autonomous District (Constitution of District Council) Rules, 1951.

5. Considering the above error apparent on the face of the record, we review and hereby recall order dated 29.11.2013 passed in WP(C)No. 22 of 2011. As such, the review application stands allowed, and WP(C)No. 22 of 2011 stands restored to its original number (the Writ Petition (C)No. 22 of 2011 shall be re-heard, as and when listed for hearing).

(Hon'ble Mr Justice SR Sen)
JUDGE

(Prafulla C Pant)
CHIEF JUSTICE

dev
01.08.2014

THE HIGH COURT OF MEGHALAYA

WA No. 51 of 2014
IN MC (WP(C) No. 180 of 2014

Dorbar Shnong Twah-U-Sdiah Village, represented by the Headman: Shri Kmen Massar, s/o (L) Rom Nyalang, r/o Twah-U-Sdiah Village, West Jaintia Hills District, Meghalaya.

..... **Appellant**

-Versus-

1. State of Meghalaya, represented by the Chief Secretary Govt. of Meghalaya, Shillong.
2. The Secretary Public Works Department (Road), Govt. of Meghalaya, Shillong.
3. The Deputy Commissioner-cum-Collector, Jaintia Hills District, Jowai, Meghalaya.
4. The Executive Engineer, PWD (Roads), South Jowai Division, Jowai, West Jaintia Hills District.
5. Smti Deng Bareh, D/o (L) K Buam, r/o Twah-U-Sdiah Village, Nongtalang Elaka, West Jaintia Hills, District.

..... **Respondents**

Shri P Yobin, Advocate, for the Appellant.

Shri ND Chullai, Sr. Govt. Advocate, for the respondents.

Date of Order 1st August, 2014.

HON'BLE THE CHIEF JUSTICE

and HON'BLE MR JUSTICE SR SEN

O R D E R

Oral : Hon'ble Chief Justice, Prafulla C Pant.

Heard.

2. This writ appeal is directed against the order dated 26.06.2014 passed by the learned single Judge in MC (WP(C))No. 180 of 2014 (moved in WP(C)No. 222 of 2014), whereby, the interim stay application has been rejected.

3. Briefly stated through the WP(C)No. 222 of 2014, the present appellant/writ petitioner has challenged the order dated 20.03.2014 passed by this Court in WP(C)No. 274 of 2011, which appears to have already attained the finality. Learned single Judge has not found any prima facie case in favour of the present appellant/writ petitioner in the facts and circumstances of the case, for issuance of an interim stay order.

4. Having heard learned counsel for the parties and after going through the impugned order dated 26.06.2014, passed in MC (WP(C)) No. 180 of 2014, we do not find any illegality in the order declining the interim stay prayed by the present appellant/writ petitioner.

5. Therefore, without expressing any opinion as to the final merits of WP(C)No. 222 of 2014, this writ appeal is dismissed summarily.

(Hon'ble Mr Justice SR Sen)
JUDGE

(Prafulla C Pant)
CHIEF JUSTICE

dev
01.08.2014

THE HIGH COURT OF MEGHALAYA

WA No. 58 of 2014
IN WP(C) No. 220 of 2014

1. Smti Drop Tang, d/o (L) Ka Wan Tang, r/o New Hill,
Jowai, West Jaintia Hills District, Meghalaya.

2. Ms Deimonki Tang, d/o Smti Drop Tang, r/o New Hill,
Jowai, West Jaintia Hills District, Meghalaya.

..... **Appellants**

-Versus-

1. The Jaintia Hills Autonomous District Council, Jowai,
represented by the Secretary, Executive Committee.

2. Revenue Officer, Jaintia Hills Autonomous District
Council, Jowai.

3. Shri Wenly Dhar Dolloi of Shangpung Elaka, West
Jaintia Hills District, Meghalaya.

4. Shri Jal Lyngdoh, s/o (L) Manik Tang, r/o Phramer,
West Jaintia Hills District, Meghalaya.

..... **Respondents**

Ms Y Shylla, Advocate, for the Appellants.

Shri HS Thangkhiew, Sr. Advocate, assisted by Shri P
Nongbri, Advocate, present for the respondents.

Date of Order 1st August, 2014.

HON'BLE THE CHIEF JUSTICE

and HON'BLE MR JUSTICE SR SEN

O R D E R

Oral : Hon'ble Chief Justice, Prafulla C Pant.

Heard.

2. This writ appeal is directed against the order dated 25.06.2014 passed by the learned single Judge in WP(C)No. 220 of 2014, whereby, the said writ petition has been dismissed on the ground of laches.

3. Briefly stated the present appellants/writ petitioners have challenged the Mutation Order dated 03.08.2004, in the abovementioned writ petition, after a delay of almost ten years.

4. Had it been a case where the appellants/writ petitioners had no knowledge of the mutation proceeding, it could have been said that there is some explanation for laches on the part of the writ petitioners/appellants, but it appears that the writ petitioners/appellants were aware of the mutation order and land holding certificate challenged in the writ petition.

5. Having considered the submissions of the learned counsel for the parties, we are concur with the

view taken by the learned single Judge that long delay of ten years stands unexplained in the present matter, as such the writ petition appears to have been rightly dismissed summarily by the learned single Judge on the ground of laches.

6. Therefore, this writ appeal is dismissed summarily, with the observation that the representation dated 23.07.2013 made before the Jaintia Hills Autonomous District Council through Revenue Officer, may be disposed of by the said authority at the earliest.

(Hon'ble Mr Justice SR Sen)
JUDGE

(Prafulla C Pant)
CHIEF JUSTICE

dev
01.08.2014

WA No. 59 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

WA No. 60 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

WA No. 62 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

WA No. 63 of 2014

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this matter before another Bench of which one
of us (Hon'ble SR Sen, J) is not the member.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14

WP(C) No. 22 of 2011

01.08.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

In view of the order of the date passed in Review
Petition No. 1 of 2014, the writ petition stands restored,
and the same (WP(C) No. 22 of 2011) may be listed for
hearing.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
01.08.14