

ARB.P. No. 4 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

At the request of the learned counsel for the parties, it is directed that this matter be listed on 4-2-2014.

CHIEF JUSTICE

S.Rynjah

CRL.A. No. 3 of 2008

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.,K.Paul, Advocate, present for the appellant.

Shri.V.K.Jindal, Sr. Advocate, present for the respondents.

Adjourned at the request of Shri K.Paul, learned counsel for the appellant.

List this case on 30-1-2014 for final hearing.

CHIEF JUSTICE

S.Rynjah

CRL.A. No. 5 of 2012

03.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. S.Bhattacharjee, Advocate present for the appellant.

Shri V.K.Jindal, Sr. Advocate present for the respondents.

List this case tomorrow (4-12-2013).

CHIEF JUSTICE

S.Rynjah

CRL.A. No. 6 of 2012

03.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. P.D.Baruah, Advocate present for the appellant.

Shri V.K.Jindal, Sr. Advocate present for the respondents.

Heard arguments (not concluded). Continued for tomorrow.

CHIEF JUSTICE

S.Rynjah

CRL.A. No. 9 of 2010

03.12.2013

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri K.Paul, learned counsel for the appellant.

List this case on 6-2-2014 for final hearing.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 219 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.R.Pyngrope, Advocate, present for the petitioners.

Shri.S.Sen Gupta, Govt. Advocate, present for the respondents
No. 1, 2 and 3.

Shri. P.N.Nongbri, Advocate present for respondent No.4.

Learned counsel for the respondent No.4 prays for and is allowed
further 3(three) weeks' time to file counter affidavit.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 222 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.A.H.Hazarika, Advocate, present for the petitioner.

Shri.K.P.Bhattacharjee, Govt. Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of mandamus commanding the respondents to protect the pay of the petitioner by counting his earlier rendered temporary service.

Admit the petition.

Counter affidavit has already been filed on behalf of the respondents.

List this petition for final hearing in due course. Meanwhile, the petitioner is allowed to file rejoinder affidavit to the counter affidavit filed on behalf of the respondents within a period of 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 235 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.S. Sen, Advocate, present for the petitioner.

Shri.S.Dey, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 4(four) weeks' time to file counter affidavit.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 242 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.A.Kumar, Advocate, present for the petitioner.

Shri.R.Deb Nath, CGC, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 3(three) weeks' time to file counter affidavit.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 249 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.K.Sunar, Advocate, present for the petitioner.

Shri.H.Abraham, Advocate, present for the respondent No.1.

Shri. V.G.K.Kynta, Sr. Advocate present for the respondents No. 2 to 5.

Smti. N.G.Shylla, Advocate present for the respondent No.6.

Shri R.Gurung, present for proforma respondent.

Learned counsel for the respondents No. 2 to 6 and learned counsel for proforma respondent pray for and are allowed further 3(three) weeks' time to file counter affidavit.

List this case after 3(three) weeks. Meanwhile, the petitioner is allowed to get notice served on the respondent No.7 by hand (Dasti) and to file affidavit of service.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 254 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. S.Bhattacharjee, Advocate, present for the petitioner.

Shri.S.Sen, Advocate, present for the respondent-university.

Learned counsel for the respondent-university prays for and is allowed further 3(three) weeks' time to file counter affidavit.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 260 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Ms.S.G.Momin, Advocate, present for the petitioner.

Mr. N.D.Chullai, Sr. Govt. Advocate, present for the respondents.

Learned counsel for the respondents states that counter affidavit is ready and already served on the petitioner. It is further stated that the same is being filed in the Registry.

Learned counsel for the petitioner prays for and is allowed 3(three) weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf of the respondents.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 298 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. N.Khan, Advocate, present for the petitioner.

Shri.S.Sen Gupta, Govt. Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 3(three) weeks' time to file counter affidavit.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 300 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Smti. A.S.Siddiqui, Advocate, present for the petitioners.

Shri.N.D.Chullai, Sr.Govt. Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioners have challenged the impugned order dated 24-9-2013 passed by Principal, Tura Govt. College, Tura whereby it has been noticed that as per the order of the Deputy Commissioner, West Garo Hills, Tura Govt. College Students Union for the year 2012-2013 stands dissolved.

Learned counsel for the respondents made a statement before this Court that the period for which the students union was elected has expired on 18-10-2013 and fresh elections have already fallen due.

In the above circumstances, this writ petition is dismissed as infructuous.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 316 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Mr. B.K.Deb Roy, Advocate, present for the petitioner.

Mr. N.D.Chullai, Sr.Govt. Advocate, present for the respondents No. 2 to 5 and 7.

Ms. M.Mahanta, Advocate present for the respondent No.1.

Learned counsel for the petitioner states that he needs time to verify as to whether the SLP has been admitted by the Apex Court arisen out of the WA. No. 18 of 2005 [WP(C) 113 (SH) of 1998] decided on 21-10-2013.

List this case in the next week.

CHIEF JUSTICE

S.Rynjah

COP No. 35 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri VK Jindal, Sr. Advocate, assisted by Shri S Dey, Advocate, present for the petitioner/applicant.

Ms M Mahanta, Advocate, present for respondent No. 1.

Office report does not disclose if the respondent No. 2 has been sufficiently served.

Learned counsel for the petitioner prays for and is allowed three days time to take fresh steps for service on the respondent No. 2.

Issue fresh notice to respondent No. 2, who may file his response within a period of four weeks.

List after four weeks. Meanwhile, respondent No. 1 may also file his response within said period.

CHIEF JUSTICE

dev
03.12.13

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri JM Thangkhiew, Advocate, present for the appellant.

Shri ND Chullai, Sr. Advocate, present for the respondents State.

Heard.

This appeal is directed against the judgment and order dated 26.09.2013 passed by the Special Judge/Special Court/Fast Track Court, Nongstoin in GR Case No. 29 of 2003, whereby said Court has convicted the accused/appellant Rington Lynkhoi under Section 376 IPC and sentenced him to rigorous imprisonment for a period of two years and directed to pay fine of Rs. 10,000/- in default on payment of fine the convict has been directed to undergo rigorous imprisonment for a further period of six months.

A preliminary objection is raised on behalf of the State respondents that in view of Sub-Section (2) of Section 374 Code of Criminal Procedure 1973, the convict in the present case could have moved revision and not appeal.

Had it been apparent from the impugned judgment and order that the sentence was passed by the Assistant Sessions Judge, probably, this Court would have directed the present appellant to approach Sessions Judge for filing the appeal under Sub-Section (3) of Section 374 Code of Criminal Procedure 1973, but it appears that conviction and sentence has been recorded by the Fast Track Court without clarifying if he has exercised powers of Assistant Sessions Judge or that of the Additional Sessions Judge, as such in the above circumstances, this Court inclined to admit this appeal leaving it open to the State to argue on this point at the later stage of this appeal.

Admit this appeal.

Summon the lower court record.

List after lower court record is received.

CHIEF JUSTICE

Crl MC No. 67 of 13
IN Crl Appeal No. 10 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri JM Thangkhiew, Advocate, present for the appellant/applicant.

Shri ND Chullai, Sr. GA, present for the State respondents.

Heard.

By means of this application (Crl. MC No. 67 of 2013), the appellant has sought condonation of delay in filing the appeal against judgment and order dated 26.09.2013 passed by the Special Judge/Special Court/Fast Track Court, Nongstoin in GR Case No. 29 of 2003.

There is 36 days of delay in filing the appeal which is sufficiently explained in the affidavit accompanied with delay condonation application.

36 days delay in filing the appeal is condoned. Delay condonation application is allowed. Crl MC No. 67 of 2013 stands disposed of.

CHIEF JUSTICE

dev
03.12.13

CrI MC No. 68 of 2013
IN CrI Appeal No. 10 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with CrI Appeal No. 10
of 2013.

CHIEF JUSTICE

dev
03.12.13

CrI Revn Petn No. 64 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri HL Shangreiso, Advocate, present for the revisionist.

Shri R Gurung, Advocate, present for respondent No. 2.

Notices sent to respondent No. 1 are not received back after service.

Wait for a period of 30 days from the date notices sent by the Registered Post.

List after winter vacation.

CHIEF JUSTICE

dev
03.12.13

MC No. 222 of 2013
IN WP(C) No. 185 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 185 of
2013.

CHIEF JUSTICE

dev
03.12.13

MC (WP(Crl) No. 314 of 2013
IN WP(Crl) No. 8 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(Crl) No. 8 of
2013.

CHIEF JUSTICE

dev
03.12.13

WP(C) No. 214 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri S Rana, Advocate, present for the petitioner.

Ms P Roy, Advocate, holding brief for Shri R Deb Nath, counsel for the respondents.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of mandamus directing the respondents to pay disability pension to the petitioner.

Admit the petition.

Counter affidavit has already been filed on behalf of respondents.

List this writ petition for final hearing in due course. Meanwhile, the petitioner is allowed to file rejoinder affidavit within a period of four weeks.

CHIEF JUSTICE

dev
03.12.13

WP(C) No. 185 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri BK Deb Roy, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for respondent No. 1.

Shri VGK Kynta, Sr. Advocate, present for respondent No. 2.

Shri R Jha, Advocate, present for respondent No. 5.

Learned counsel for respondent No. 5 prays for and is allowed further two weeks' time to file counter affidavit.

List after two weeks. Meanwhile, the petitioner is allowed to file rejoinder affidavit to the counter affidavit filed on behalf of respondent No. 2.

CHIEF JUSTICE

dev
03.12.13

WP(C) No. 215 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri SA Saikh, Advocate, present for the petitioner.

Shri H Kharmih, Advocate, present for respondents No. 1 to 3.

Heard.

By means of this writ petition, the petitioner has challenged reconstitution of Village Employment Committee approved vide order dated 23.07.2013 by respondent No. 3.

Admit the petition.

Counter affidavit has already been filed on behalf of respondents No. 1 to 3.

Learned counsel for the petitioner states that no rejoinder is required in this case.

List this writ petition for final hearing in due course.

CHIEF JUSTICE

dev
03.12.13

WP(C) No. 346 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

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

Shri VGK Kynta, Sr. Advocate, present for
respondents No. 1 to 6.

Heard.

By means of this writ petition, the petitioner
has challenged the proceedings on a complaint
against the petitioner who is Sirdar of Jyrngam
Sirdarship on the ground that power to look into the
complaint lies with the Durbar Hima under the
provisions of the Khasi Customary Law.

Admit the petition.

Learned counsel for the respondents No. 1 to 6
prays for and is allowed four weeks' time to file
counter affidavit.

Issue notices to respondents No. 7 to 13, who
may also file their counter affidavits within a period
of four weeks.

List after four weeks.

CHIEF JUSTICE

dev
03.12.13

WP(C) No. 348 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri R Choudhury, Advocate, present for the petitioner.

Shri SC Shyam, Sr. Advocate, present for respondents.

Learned counsel for respondents prays for and is allowed four weeks' time to file counter affidavit.

List after four weeks.

CHIEF JUSTICE

dev
03.12.13

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri S Sen, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought direction of this Court to the respondents to consider the representation dated 12.09.2013 regarding demarcation of boundary between RekHING AkHING Land and forest land.

Learned counsel for the petitioner submitted that he confines the prayer only to take decision on the aforesaid representation at an early date. In this connection, attention of this court is drawn to the fact that a joint survey inquiry was conducted in the year 1986-87 in the presence of Assistant Revenue Officer and Assistant Conservator of Forest and Annexure 3 is the copy of the document relating to said survey.

Shri S Dey, learned counsel for the respondents states that he has no objection if this writ petition is summarily disposed of directing the respondents to consider and decide the representation of petitioner.

Accordingly, this writ petition is summarily disposed of directing the respondent No. 2 Chief Executive Member, Garo Hills Autonomous District Council, Tura, to consider and decide the representation dated 12.09.2013 (copy Annexure 5 to the writ petition) made by the petitioner Shri Ronjib W Momin, s/o Shri Bhimsen Marak, r/o RekHING, P.O. Adokgre, PS Mandipathar, North Garo Hills District within a period of three months from the date certified copy of this order along with the copy of representation, is produced before the such authority.

CHIEF JUSTICE

dev
03.12.13

WP(C) No. 351 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Shri AS Siddiqui, Advocate, present for the petitioner.

Shri SP Mahanta, Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has challenged the order of termination dated 03.09.2012 (copy Annexure III to the writ petition) and order dated 30.03.2013 (copy Annexure VII to the writ petition), whereby departmental appeal of the petitioner has been dismissed.

Admit the petition.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks.

CHIEF JUSTICE

dev
03.12.13

WP(Crl) No. 8 of 2013

03.12.2013

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri KP Bhattacharjee, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further one week's time to file counter affidavit.

List after one week.

CHIEF JUSTICE

dev
03.12.13