

**BEFORE
THE HON'BLE MR. JUSTICE, S.R. SEN**

04.06.2015

Mr. S. Chakravarty, learned counsel for the petitioner is not present; however his junior Ms. M. Mahanta, learned counsel is present and informed the court that, he is still in bereavement.

Mrs. T. Yangi, learned counsel for the respondent No. 2 is present and seeks further 2(two) weeks' time to file the additional affidavit.

Prayer is allowed.

List this matter after 2(two) weeks for additional affidavit, further order and hearing.

JUDGE

D. Nary

**BEFORE
THE HON'BLE MR. JUSTICE, S.R. SEN**

04.06.2015

Heard Mr. P. Upadhaya, learned counsel for the petitioner, who submits that, initially a Title Suit was initiated before the District Council court, Shillong where both the parties were tribal. Subsequently, the petitioner tried to enter into the Suit as he has got certain grievances where the District Council court refuse to accept to implead the petitioner on the ground that the District Council court has the jurisdiction only to decide the dispute between two tribals.

Being aggrieved by this order, the learned counsel for the petitioner approached the then Hon'ble Gauhati High Court, but the matter remains undecided. The learned counsel further contended that, as per section 7 of the High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014 the High Court has the power to transfer the Suit from one court to another or to any other court. However, he admitted that, he has no precedent to show before the court today.

On the other hand, Mr. G.S. Massar, learned Sr. counsel objected and said that, as per Khasi Hills Autonomous District Council (Administration of Justice) Rules, 1953 the District Council court has the jurisdiction only to decide the dispute between two tribals and the District Council has no power to decide and redress the grievances of a non tribal and there is no such provision that the case can be transferred from the District Council court to a normal civil court.

Judgment and order reserved.

JUDGE

D. Nary

**BEFORE
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04.06.2015

Heard Ms. S. Acharjee, learned counsel for the petitioner, who submits that, she has received a copy of the counter affidavit from Mr. N. Mozika, learned CGC.

Mr. N. Mozika, learned CGC present in the court submits that, he is going to file the counter affidavit in the course of the day.

List this matter after a week for counter affidavit and further order.

JUDGE

D. Nary

**BEFORE
THE HON'BLE MR. JUSTICE, S.R. SEN**

04.06.2015

Heard Mr. S. Deka, learned counsel for the petitioner.

Also heard Mr. S. Thapa, learned counsel appearing on behalf of Mr. K. Paul, learned CGC who submits that, he needs 2(two) weeks' time to file the counter affidavit.

Prayer is allowed.

List this matter after 2(two) weeks for counter affidavit and further order.

JUDGE

D. Nary

**BEFORE
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04.06.2015

Heard Mr. S. Deka, learned counsel for the petitioner.

Also heard Mr. S. Thapa, learned counsel appearing on behalf of Mr. K. Paul, learned CGC who submits that, he needs 2(two) weeks' time to file the counter affidavit.

Prayer is allowed.

List this matter after 2(two) weeks for counter affidavit and further order.

JUDGE

D. Nary

**BEFORE
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04.06.2015

Heard Mrs. S. Bhattacharjee, learned counsel for the petitioner.

Also heard Mr. H. Kharmih, learned State counsel who seeks further 2(two) weeks' time to file the counter affidavit.

Prayer is allowed.

Mrs. S. Bhattacharjee, learned counsel for the petitioner further submits that, she has already taken steps against the respondent No. 4 and service report is awaited.

List this matter after 2(two) weeks for counter affidavit as well as service report and further order.

JUDGE

D. Nary

**BEFORE
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04.06.2015

Mr. A. Chakravarty, learned counsel for the petitioner is not present inspite of the order dated 26.05.2015 directing him to appear without fail.

Mrs. N.G. Shylla, learned State counsel appeared for and on behalf of the respondents No. 1-4 and Mr. H. Abraham, learned counsel appeared on behalf of the respondent No. 5.

From record it appears that, Mr. A. Chakravarty, learned counsel for the petitioner is not appearing for quite sometime. It appears that, he is not interested to pursue the matter. Hence, the matter stands dismissed for default and for want of prosecution.

JUDGE

D. Nary

**BEFORE
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04.06.2015

Heard Mr. A.H. Hazarika, learned counsel for the petitioner.

Also heard Mrs. N.G. Shylla, learned GA for the State who submits that, she needs 2(two) weeks' time to go through the record produce by the Govt. and to serialize the documents required and to place before the court on the next date fixed.

Prayer is allowed.

List this matter after 2(two) weeks for hearing.

JUDGE

D. Nary

**BEFORE
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04.06.2015

Heard Mr. R. Jha, learned counsel for the petitioner, who seeks further 2(two) weeks' time to file additional affidavit, to which Mr. G.S. Massar, learned Sr. counsel for the respondent No. 7 as well as Mr. B.B. Narzary, learned Sr. counsel for the respondents No. 2-4 has no objection.

Mrs. N.G. Shylla, learned GA for the respondents No. 5 and 6 and Mr. J.M. Thangkhiew, learned counsel for the respondent No. 8 are also present.

List this matter after 2(two) weeks for additional affidavit by the petitioner and further order.

JUDGE

D. Nary

WP(C) No. 326 of 2013

**BEFORE
THE HON'BLE MR. JUSTICE, S.R. SEN**

04.06.2015

Heard Mr. R. Jha, learned counsel for the petitioner as well as Ms. P. Roy, learned counsel for the respondent.

Both the learned counsels jointly submit that the matter may be fixed on *08.06.2015* for hearing.

List this matter accordingly.

JUDGE

D. Nary

BEFORE
THE HON'BLE MR. JUSTICE, S.R. SEN

04.06.2015

Heard Mrs. N.G. Shylla, learned State counsel, who submits that, an additional affidavit has been filed by the Secretary, Law Department, Government of Meghalaya, Shillong on 29.05.2015. The learned State counsel further submits that, the matter is pending before Hon'ble the Apex Court for final hearing and further argued that the matter may be kept in abeyance for the time being till the matter is decided by Hon'ble the Apex Court.

I have also perused the additional affidavit filed by the Secretary, Law Department, Government of Meghalaya, Shillong dated 29.05.2015 wherein, it is clearly mentioned that the issues connected in similar matter is pending before Hon'ble the Apex Court for final hearing. If it is so, I agree with the submission advanced by Mrs. N.G. Shylla, learned State counsel.

Let the matter be fixed after a month.

Also heard Mr. C.H. Thomloui, learned counsel for the petitioner.

List this matter after a month for status report and further order.

JUDGE

D. Nary