

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Cont. Case (SH) No. 11 of 2013**

**5.08.2013**

Heard Mr. P Nongbri, the learned counsel for the respondent who prayed for further 2(two) weeks' time to which Mr. S Thapa, the learned counsel for the petitioner has strongly objected.

List this matter on 19.08.13 as last chance for counter affidavit.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Appeal (SH) No. 1 of 2013**

**5.08.2013**

Heard Ms. Usha, the learned counsel for the appellant as well as Mr. S Sen Gupta, the learned Addl. PP.

List this matter on 13.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Appeal (SH) No. 7 of 2012**

**5.08.2013**

Mr. RB Pradhan, the learned counsel for the petitioner is present.

The learned counsel for prosecution is not present.

List this matter on 12.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Appeal (SH) No. 2 of 2013**

**5.08.2013**

List this matter on **06.08.13** as suggested by the learned counsel for the parties.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CrI. MC (SH) No. 58 of 2011**

**5.08.2013**

List this matter on **12.08.13** as prayed for by Mr. K Paul, the learned counsel for the petitioner.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 51 of 2013**

**5.08.2013**

List this matter on **06.08.13.**

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 43 of 2013**

**5.08.2013**

Heard Mr. P Nongbri, the learned counsel for the petitioner.

As per record it appears that, AD card has been received after service against the respondents No. 2 & 3.

None appears on behalf of the respondents No.2& 3.

List this matter on 19.08.13 for the counter affidavit by the respondents.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 44 of 2013**

**5.08.2013**

Heard Mr. P Nongbri, the learned counsel for the petitioner.

As per record it appears that, AD card has been received after service against the respondents No. 2.

None appears on behalf of the respondent No. 2.

List this matter on 19.08.13 for the counter affidavit by the respondent.

JUDGE

V. Lyndem.



**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 42 of 2013**

**5.08.2013**

Heard Mr. P Nongbri, the learned counsel for the petitioner.

As per record it appears that, AD card has been received after service on behalf of the respondent No. 2.

State respondent has been represented by Mrs. S Bhattacharjee.

List this matter on 19.08.13 for the counter affidavit.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 24 of 2013**

**5.08.2013**

List this matter on 23.08.13 as suggested by the learned counsel for the parties.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 51 of 2012**

**5.08.2013**

List this matter on 22.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 65 of 2012**

**5.08.2013**

List this matter on 23.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 64 of 2012**

**5.08.2013**

List this matter on 23.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**EL.PET.(SH) No. 2 of 2013**

**5.08.2013**

List this matter on 19.08.13 as suggested by the learned counsel for the parties.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**EL.PET.(SH) No. 1 of 2013**

**5.08.2013**

Mr. K. Paul, the learned counsel for the petitioner is present.

Mr. GS Massar, the learned senior counsel is also present.

It has been informed that Mr. HS Thangkhiew, the learned senior counsel is out of station, so the matter may be fixed after 2(two) weeks.

Prayer is allowed.

List this matter on 19.08.13.

However, both the parties are directed to file their written statements on or before the next date fixed failing which, written statements may not be accepted.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**MC (SH) No. 112 of 2010 in**  
**WP(C)(SH) No. 78 of 2010**

**5.08.2013**

In the light of the order passed in WP(C)(SH) No. 78 of 2010, this instant Misc. Case also stands disposed of.

JUDGE

V. Lyndem



**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
WP(C) (SH) No. 83 of 2010**

**5.08.2013**

List this matter on 20.08.13.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
WP(C) (SH) No. 148 of 2011**

**5.08.2013**

List this matter on **06.08.13.**

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
WP(C)(SH) No. 160 of 2011**

**5.08.2013**

List this matter on 21.08.13.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
WP(C)(SH) No. 189 of 2011**

**5.08.2013**

List this matter on 21.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 21 of 2013**

**5.08.2013**

List this matter on 12.08.13 as prayed for by the learned counsel for respondent.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
WP(C)(SH) No. 263 of 2011**

**5.08.2013**

List this matter on 21.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C) (SH) No. 264 of 2010**

**5.08.2013**

The learned counsel for the petitioner is not present, list this matter 20.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C) (SH) No. 312 of 2010**

**5.08.2013**

Mr. R Choudhury, the learned counsel for the petitioner is present.

The learned counsel for the respondent is not available. However, Mr. P Nongbri, the learned counsel informed that he is out of station.

List this matter on 20.08.13.

JUDGE

V. Lyndem.



**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 374 of 2010**

**5.08.2013**

List this matter on 19.08.13 as suggested for by the learned counsel for the parties.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 439 of 2010**

**5.08.2013**

Heard Mrs. S Bhattacharjee, the learned counsel for the petitioner who submits that, the petitioner is ready to take back the land, though the respondent has not made any plantation or development in the said land, as a result, the petitioner has suffered great loss.

On the other hand, Mr. MF Qureshi, the learned GA submits that, the Government respondent is ready to return back the land within 1(one) week subject to fulfilment of the terms and conditions.

However, before I part with this case, I would like to observe that, the petitioner will be at liberty to take appropriate action if he has suffered damage due to non plantation by the respondent in accordance with law.

With these observations and directions, the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 78 of 2010**

**5.08.2013**

The brief fact of the case in nut shell is that, the petitioner was last recorded as Nokmas of Chongpot Dopogiri Akhing were (L) Jangme D Sangma and (L) Khiljong Marak died leaving behind no issues. The last recorded Nokmas left with no first class legal heirs and Nokmaship after their death. During this period taking advantage of the situation, even though they were in no way related to the last recorded Nokma. The respondent No.1 filed a petition before the learned Executive Member, Garo Hills Autonomous District Council for registering the names of the respondents No. 2 & 3 declaring them as successor Nokmas of Chongpot Dopogiri Akhing and the same was registered as GDC-Rev No. 103 A/c of 2006. Against the said petition in his capacity as 'Chra' representing the clan members of the Chongpot Dopogiri Akhing filed an objection.

The learned Member in-charge Revenue, GHADC vide judgment and order dated 16.09.08 disposed of the GDC-Rev No. 103 A/c of 2006 in favour of the respondents declaring the respondents No. 2 & 3 as the successor Nokmas of Chongpot Dopogiri Akhing. Thereafter, an appeal was placed before the learned Chief Executive Magistrate, Garo Hills Autonomous District Council and the said appeal was dismissed vide order dated 16.09.08.

Being aggrieved by the impugned order referred to above, the instant petition has been moved before this Court.

Heard Mr. K Paul, the learned counsel appearing for on behalf of the petitioner who submits that, the learned Member in-charge Revenue, GHADC as well as Appellate Court has passed the judgment and order arbitrary and without following the judicial norms. In support of his submissions, he relied on the case of ***D Sangma vrs Chief Executive Member, Garo Hills Autonomous District Council reported in GLR (1988) Vol. 2 (Page-120).***

Also heard Mr. S Dey, the learned counsel for respondent No. 4 who submits that, the learned Tribunal has rightly passed the impugned order on the basis of the report submitted by Mauzadar dated 8.03.07, therefore, this

Court should not interfere with the impugned order and judgment and order.

I have perused the impugned order dated 16.09.08 at Annexure- 2-A as well as the impugned judgment and order dated 23.12.09 at Annexure-3.

It is a settled principle of law that, when there is any claim or counter-claim, the Court is duty bound to frame issues and thereafter to proceed with the evidence. After recording the evidence and after hearing both the parties, the Court to come to a conclusion and to pass necessary judgment and order in accordance with law.

I have noticed that in both the impugned order dated 16.09.08 and judgment and order dated 23.12.09, no issues have been framed nor any evidence has been recorded or proper hearing has been conducted. Therefore, in my considered view, the said impugned judgment and order has no stand in the eye of law and the same needs to be set aside.

Accordingly, the impugned order dated 16.09.08 and judgment and order dated 23.12.09 are hereby set aside and the matter is remanded back to the Court concerned to trail the matter afresh by framing issues, recording evidence and hearing both the parties and to pass necessary order.

However, till disposal of this matter by the Court concerned, neither of the parties should disturb each other.

With these observations and directions, the instant petition is allowed and stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 90 of 2011**

**5.08.2013**

Mr. HS Thangkhiew, the learned senior counsel for the petitioner and Mr. H Kharmih, the learned counsel for the respondent are not present as informed by their junior counsel.

Mr. VGK Kynta, the learned counsel for the District Council is present.

List this matter on 19.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 274 of 2011**

**5.08.2013**

Mr. SP Mahanta, the learned counsel for the petitioner is present.

List this matter on 22.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(Cr1.)(SH) No. 8 of 2012**

**5.08.2013**

Heard Ms. SG Momin, the learned counsel for the petitioner who submits that she needs 2(two) weeks' time.

Prayer is allowed.

List this matter on 19.08.13.

JUDGE

V. Lyndem.