

**MC[WP(C)] No. 41 of 2014**

**WP(C). No. 51 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

In view of the interim order dated 5-3-2014 passed in WP(C) No. 51 of 2014, this Misc. Case No. 41 of 2014 stands disposed of.

S.Rynjah

**CHIEF JUSTICE**

**MC[WP(C)] No. 117 of 2014**

**In WP(C). No. 137 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

In view of the interim order of the date passed in WP(C) No. 137 of 2014, no further order need be passed in this Misc. Case No. 117 of 2014 which stands disposed of.

S.Rynjah

**CHIEF JUSTICE**

**MC[WP(C)] No. 113 of 2014**

**WP(C). No. 133 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

In view of the interim order passed in WP(C) No. 133 of 2014, no further order need be passed in this Misc. Case No. 113 of 2014 which stands disposed of.

S.Rynjah

**CHIEF JUSTICE**

**WP(Crl). No. 5 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. SP Mahanta, Advocate, present for the petitioner.

Mr. S. Sen Gupta, Govt. Advocate, present for the State respondents.

Heard.

By means of this writ petition, the petitioner has challenged the detention of her husband under Meghalaya Preventive and Detention Act, 1995.

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

List after 3(three) weeks.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 51 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. RK Bhatra, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. Govt. Advocate, assisted by Mr. S.Sen Gupta, Govt. Advocate, present for the respondents No. 1 and 2.

Counter affidavit has been filed on behalf of the respondents No. 1 and 2. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 3(three) weeks' time to file the rejoinder affidavit.

List on 28-4-2014. Interim order dated 5-3-2014 is extended till the next date of listing.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 133 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

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

Ms. PS Nongbri, Advocate, present for the respondents-KHADC.

Heard.

By means of this writ petition, the petitioner has challenged the order dated 5-3-2014 passed by the respondent No. 3 cancelling the contract of collection of fee from commercial vehicles plying illegally in Byrnihat, Jorabad, Khanapara, Umtyrnga, Raid Marwet in Ri Bhoi District.

Learned counsel for the petitioner submitted that the contract was executed between the petitioner and the respondents in 2010 for a period of 5(five) years. But after a period of 4(four) years suddenly the contract has been cancelled by the respondents arbitrarily.

In reply to this, learned counsel for the respondents submitted that under Para 6 of the agreement, the contract could have been cancelled on the ground of violation of the terms and conditions of the agreement or anything done detrimental to the interest of the KHADC by the petitioner.

However, no show-cause notice appears to have been given to the petitioner before terminating the contract.

Admit the petition.

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

List on 17-4-2014. Meanwhile, as an interim measure it is directed that operation of the impugned order dated 5-3-2014 is stayed till the next date of listing leaving it open to the respondents to pass orders after giving show-cause notice to the petitioner.

**(Prafulla C.Pant)**  
**CHIEF JUSTICE**

S.Rynjah



**WP(C). No. 137 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

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

Ms. PS Nongbri, Advocate, present for the respondents-KHADC.

Heard.

By means of this writ petition, the petitioner has challenged the order dated 31-3-2014 revoking the work order dated 3-3-2014 issued by the KHADC relating to Royalty/Transit fee on minor Forest Produces of Shillong Range for the year 2014-2015.

Learned counsel for the petitioner submitted that the petitioner submitted the tender in pursuance to the notice floated on 6-12-2013. It is further pointed out that when the tenders were opened, considering the amount mentioned in the tenders, the petitioner was awarded the work contract and he has already deposited ₹ 37,00,000/- Lakhs with the respondents. It is argued that after the elections of KHADC, the work order issued by the previous regime has been arbitrarily cancelled. It is contended that no show-cause notice was given to the petitioner.

Admit the petition.

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

Meanwhile, operation of the impugned order dated 31-3-2014 revoking the work order dated 3-3-2014 issued in favour of the petitioner, Buff Nongrum, is stayed till the next date of listing.

List on 17-4-2014.

S.Rynjah

**(Prafulla C.Pant)  
CHIEF JUSTICE**

**WP(C). No. 138 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

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

Ms. PS Nongbri, Advocate, present for the respondents-KHADC.

Heard.

By means of this writ petition, the petitioner has challenged the order dated 31-3-2014 passed by the respondent No. 3 revoking the work order dated 5-3-2014.

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

List on 17-4-2014 for admission/orders.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 141 of 2014****7.4.2014****HON'BLE THE CHIEF JUSTICE**

Mr. S.Ali, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. Govt. Advocate, assisted by Mr. S.Sen. Gupta, Govt. Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of mandamus directing the respondents to take action on the report given by the writ petitioner to the Officer Incharge Police Station, Laitumkhrah, Shillong.

It is stated in the writ petition that a Will dated 1.1.1999 was executed by one Charu Nalini Roy, owner of the plot of land measuring 14,000 sq.ft in Holding No. 340 and Ward No.1 of Shillong Municipality in favour of the petitioner (copy of said Will is annexed as Annexure –I to the writ petition). Perusal of said document discloses that the petitioner has been allowed to use and occupy the land. But it is settled principle of law that a will comes into force only after the death of the testator.

It is nowhere stated in the writ petition when Charu Nalini Roy died and when the petitioner occupied the land. It is pleaded that the respondent No. 6 has started downloading boulders and clay over the disputed land and occupied the same in front of the gate of the petitioner and hence the dispute has arisen between the two private parties.

From the above, it is clear that it is nothing but a pure civil dispute between the two private parties and not a matter to be interfered with in a writ jurisdiction. Perusal of the reports (Ext. A-3, A-4 and A-6) given by the petitioner to the Police does not disclose ingredients of any criminal offence but what it discloses is an apprehension of dispossession from the land occupied by the petitioner.

Learned State counsel submitted that on the basis of the report, the Police has already taken action under Section 107/145 Cr.P.C.

In the above circumstances, this Court is not inclined to interfere in the matter. Accordingly, the writ petition is dismissed summarily.

**(Prafulla C.Pant)**  
**CHIEF JUSTICE**  
**07-04-2014**

S.Rynjah

**WP(C). No. 142 of 2014**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. HL Shangreiso, Advocate, present for the petitioners.

Mr. ND Chullai, Sr. Govt. Advocate, assisted by Mr. S.Sen Gupta, Govt. Advocate, present for the respondents.

Learned counsel for the respondents No. 1 to 8 prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks along with WP(C) No. 59 of 2014 and WP(C) No. 60 of 2014.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 185 of 2013**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

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

Mr. R.Jha, Advocate, present for the respondent No.6.

Learned counsel for the petitioner prays for and is allowed further 2(two) weeks' time to file the rejoinder affidavit.

List after 2(two) weeks.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 232 of 2013**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. P.Nongbri, Advocate, present for the petitioner.

Mr. SC Shyam, Sr. Advocate, present for the respondents.

Counter affidavit has been filed on behalf of the respondents. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 3(three) weeks' time to file the rejoinder affidavit.

List after 3(three) weeks.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 348 of 2013**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. R.Choudhury, Advocate, present for the petitioner.

Mr. SC Shyam, Sr. Advocate, present for the respondents.

Counter affidavit has been filed on behalf of the respondents. Same be taken on record.

Learned counsel for the respondents stated that inadvertently annexures could not be annexed with the counter affidavit. Additional/Supplementary affidavit may be filed by the respondents to bring the annexures now on record.

List after 3(three) weeks. Meanwhile, the petitioner is allowed to file the rejoinder affidavit to the counter affidavit filed on behalf of the respondents.

S.Rynjah

**CHIEF JUSTICE**



**WP(C). No. 353 of 2013**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

None present for the parties even in the revised call.

The writ petition is dismissed for non-prosecution.

S.Rynjah

**CHIEF JUSTICE**

**WP(C). No. 362 of 2012**

**7.4.2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. R.Jha, Advocate, holding brief on behalf of Mr. S.Dey, present for the petitioner.

Mr. B.Khyriem, Advocate, present for respondent No. 8.

Learned counsel for the petitioner prays for and is allowed further 2(two) weeks' time to file the rejoinder affidavit.

List after 2(two) weeks.

S.Rynjah

**CHIEF JUSTICE**