

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 90 of 2013

8.07.2013

Heard Mr. G Marak, the learned counsel for the petitioner.

Bail application will be considered after perusal of CD.

Call for CD.

In the meantime, in the event of arrest the petitioner/accused to be released with a sum of Rs. 40,000/- with one surety of the like amount on the following condition.

- i) The petitioner/accused shall not interfere with the investigation or tamper any evidence.

The interim bail shall remain in force till disposal of this bail application.

Mrs. NG Shylla, the learned Addl. PP is present in the Court and suggested that the matter may be listed after 1(one) week.

List this matter on 15.07.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 91 of 2013

8.07.2013

Heard Mr. N Khera, the learned counsel for the petitioner.

Bail application will be considered after perusal of CD.

Call for CD.

Mrs. NG Shylla, the learned Addl. PP is present.

List this matter on 22.07.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 67 of 2013

8.07.2013

Heard Mr. AH Hazarika, the learned counsel for the petitioner who submits that, the petitioner/accused is in no way connected with the instant case and the entire case is out of business rivalry. As a result, an FIR has been lodged as Tura P.S. Case No. 89 (5) 2013 U/s, 386 IPC, so pre-arrest bail may be granted.

Mrs. NG Shylla, the learned Addl. PP is present in the Court and produced the CD.

I have perused the CD.

On perusal of the CD, it appears that CD indicates prima facie. Besides that, we all know that illegal collections of money from the commercial vehicles are really affecting the residents of the state in particular and the country in general. Hence, in such cases, if pre-arrest bail is granted, I am of the considered view that investigation may be hampered and the confidence of the people will be shaken. Therefore, I am not inclined to consider bail application at this stage, hence, rejected and disposed of.

Court Master is directed to return the CD to the learned Addl. PP along with copy of this order.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 83 of 2013

8.07.2013

List this matter on 12.07.13 as suggested by Mr. S Sen Gupta, the learned Addl. PP on the ground that CD has not yet been received nor any instruction from the IO concerned.

In the meantime, the interim order passed earlier shall continue.

List it accordingly.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 84 of 2013

8.07.2013

List this matter on 12.07.13 as suggested by Mr. S Sen Gupta, the learned Addl. PP on the ground that CD has not yet been received nor any instruction from the IO concerned.

In the meantime, the interim order passed earlier shall continue.

List it accordingly.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 85 of 2013**

8.07.2013

List this matter on 12.07.13 as suggested by Mr. S Sen Gupta, the learned Addl. PP on the ground that CD has not yet been received nor any instruction from the IO concerned.

In the meantime, the interim order passed earlier shall continue.

List it accordingly.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 86 of 2013

8.07.2013

List this matter on 12.07.13 as suggested by Mr. S Sen Gupta, the learned Addl. PP on the ground that CD has not yet been received nor any instruction from the IO concerned.

In the meantime, the interim order passed earlier shall continue.

List it accordingly.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 78 of 2013**

8.07.2013

List this matter on **10.07.13** as suggested by Mrs. NG Shylla, the learned Addl. PP on the ground that, she needs certain instructions from the IO concerned.

Mr. K CH Gautam, the learned counsel for the petitioner is present.

List it accordingly.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 78 of 2013**

8.07.2013

List this matter on 12.07.13 as suggested by Mrs. NG Shylla, the learned Addl. PP.

Mr. K CH Gautam, the learned counsel for the petitioner is present.

List it accordingly.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 190 of 2013

8.07.2013

This instant case has been endorsed to this Court by the Hon'ble Chief Justice vide order mentioned in the bottom of Mention Memo dated 8.07.13.

Accordingly, the matter is taken up today.

Heard Mr. K. Paul, the learned counsel for the petitioner who submits that the Title Suit is pending between the petitioner and the respondents No. 2,3&4 before the Court of Assistant to Deputy Commissioner as Title Suit No. 247(T) 2012.

In connection with the said Title Suit, a Misc. Case was also filed seeking permanent injunction which was registered as Misc. Case No. 314(T)12 and the same has been disposed by the Assistant to the Deputy Commissioner which is at Annexure-V (Page-68) annexed to the writ petition.

On perusal of the operative part of the Misc. Case, it appears that the learned Assistant to the Deputy Commissioner has noted *"The opposite parties, their agents or any person or persons working under them are hereby restrained fro demolishing/evicting illegally dispossessing the petitioner or interfering in any manner with the peaceful possession/occupation of the suit premises until disposal of the main connected case i.e. Title Suit No. 247 (T) 12"*.

The learned counsel further submits that to their utter surprise today morning at around 9:30AM, the Magistrate, Policemen along with respondents No. 2 arrived at the suit premises and asked the petitioner to vacate the house within half an hour failing which they will vacate forcefully.

I have perused the petition specifically Para-6&7 which is supported by an affidavit, wherein it appears that the Magistrate has come under the instruction of the respondent No. 5 along with 20 numbers of policemen, the respondent No. 2 also accompanying them and directed the petitioner to remove his belongings and to vacate the suit premises immediately as they have got the order from respondent No. 5 to demolish the house. It also appears that, in spite of the efforts made by the petitioner, they failed to get a copy of the order of eviction passed by the respondent No. 5.

Also heard Mr. ND Chullai, the senior Govt. counsel assisted by Mrs. NG Shylla, the learned state counsel who submits that, the Court may pass necessary order as deemed fit and proper.

Considering the submissions advanced by the learned counsel and on perusal of the order dated 28.06.13 passed in Misc. Case No. 314(T)12 by the learned Assistant to the Deputy Commissioner, it appears to me that a permanent injunction has been granted in favour of the petitioner till disposal of the Title Suit.

Since the case is pending before the Civil Court and permanent injunction is in existence as mentioned aforesaid, I am of the considered view that, the Addl. Deputy Commissioner, (Rev), East Khasi Hills, Shillong has no jurisdiction or power to pass any demolition order which amounts to violation of Court's order or contempt of Court.

Respondent No. 5 and other respondents are hereby directed to comply with the order of the learned Assistant to the Deputy Commissioner dated 28.06.13 strictly and not to disturb the peaceful possession of the petitioner over the suit premises until further order from the Civil Court concerned. The respondents are also directed to halt demolition forthwith.

However, before I part with the case record, I would like to observe that no executive decision should be taken in future by-passing any Court's order and it is the duty of the executive authorities to obey and follow the Court's order strictly and not to pass any order whimsically unless and until they understand the matter and they are bound by the Court's order before passing any order.

Let a copy of this order be furnished to the learned counsel for the petitioner.

Registry is also directed to communicate this order to the respondent No. 5 for future reference and compliance.

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

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC (SH) No. 228 of 2013 in
WP(C)(SH) No. 190 of 2013**

8.07.2013

In the light of the order passed in the WP(C)(SH) No. 190 of 2013, this instant Misc. Case also stands disposed of.

JUDGE

V. Lyndem

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

08.07.2013

Heard Ms. R. Paul the learned counsel for the petitioner who submits that 2 (two) weeks' time may be granted as the leading counsel Mr. K. Paul is not keeping well to which Mr. S. Dey the learned counsel for the respondent has no objection.

As suggested, list this matter on 26.07.2013.

JUDGE

V. Lyndem

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

08.07.2013

List this matter on 30.07.2013 as suggested by the petitioner's counsel.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 131 of 2010

08.07.2013

Heard Mr. B.K. Deb Roy, the learned counsel for the petitioner who sought 2 (two) weeks' time to file an application for the purpose of amendment to which Mr. M.F. Qureshi the learned state counsel has no objection.

List this matter on 22.07.2013.

JUDGE

V. Lyndem

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

08.07.2013

List this matter on 15.07.2013 as prayed by Ms. HR Nath, the learned counsel for the petitioner.

JUDGE

V. Lyndem

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH No. 21 of 2011**

08.07.2013

Mr. R. Debnath, the learned CGC prayed for 3(three) weeks' time to which the other counsel has no objection.

List this matter on 29.07.2013.

JUDGE

V. Lyndem

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 35 of 2011**

08.07.2013

List this matter after 2 (two) weeks as suggested by both the learned counsel for the parties

List this matter on 22.07.2013 for hearing.

JUDGE

V. Lyndem

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

08.07.2013

List this matter on 23.07.2013 as prayed by Mr. R. Synrem, the learned counsel on the ground that Mr. V.G.K. Kynta is hospitalized.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 136 of 2011

08.07.2013

Heard Mrs. S. Bhattacharjee, the learned counsel for the petitioner as well as Mr. S. Dey, the learned counsel for the District Council who sought 3 (three) days' time.

List this matter on 15.07.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 214 of 2011

08.07.2013

List this matter after 2 (two) weeks as Mr. R. Kar, the learned counsel for the petitioner will be leaving for medical treatment to which the other counsel has no objection.

List this matter on 22.07.2013.

JUDGE

V. Lyndem

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

08.07.2013

List this matter on 23.07.2013 as Mr. V.G.K. Kynta is not well as informed by his junior counsel Mr. R. Synrem.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 312 of 2011

08.07.2013

Mr. A.H. Hazarika, the learned counsel for the petitioner is present.

None appears on behalf on the state.

List this matter on 24.07.2013.

JUDGE

V. Lyndem

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

08.07.2013

Heard Mr. C.H. Mawlong, the learned counsel for the petitioner as well as Mr. R. Gurung, the learned Addl. P.P who submits that paper book is not yet ready.

List this matter on 15.07.2013 for hearing.

JUDGE

V. Lyndem