

WP(C) No.359/2013

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Shri. R Sekhar, Advocate, present for the petitioner.

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

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

List it on **03.02.2014**.

Meanwhile, notice may also be given to Advocate General, Meghalaya as the validity of *Meghalaya Electricity Duty Act* has been challenged.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

**WA No.34/2010**  
**In WP(C)No.108/2006**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. HL Shangreiso, counsel for the appellants.

List it after winter vacations.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

WA No. 43/2011  
In WP(C)No.84/2003

09.12.2013

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. S Dey, counsel for the respondents.

List it after winter vacations.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*Lam*

09.12.2013

WP(C)No.129/2011

09.12.2013

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. N Mozika, counsel for the  
petitioners.

List it after winter vacations.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*Lam*

09.12.2013

WP(C) No.144/2010  
With WP(C) No.145/2010  
With WP(C) No.146/2010  
WP(C) No.147/2010

09.12.2013

**HON'BLE THE CHIEF JUSTICE**  
**and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. H Abraham, counsel for the respondents.

List it after winter vacations.

**JUDGE**  
**(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*Lam*

09.12.2013

WP(C)No.187/2013

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Shri. N Mozika, counsel for the  
respondent.

List it after winter vacations.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

**WP(C) No.203/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. AS Siddiqui, Advocate, present for the petitioner.

Shri. ND Chullai, Sr. Govt. Advocate, present for the respondents  
No.1 & 2.

Shri. S Dey, Advocate, present for the respondent No.3.

Shri. K Paul, Advocate, present for the respondents No.4-6.

Learned counsel for the respondent No.3 states that counter  
affidavit on behalf of the respondent No.3 has been filed today in the Registry.

Learned counsel for the petitioner prays for and is allowed further  
three weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf  
of the respondents No.4-6 and counter affidavit filed on behalf of respondent  
No.3.

List it after three weeks. Meanwhile, respondents No.3, 4, 5 & 6 are  
allowed to file their response to the plea taken by the State Govt. in their counter  
affidavit.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

**Lam**

**09.12.2013**

WP(C) No.204/2013

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

List along with *WP(C)No.203/2013*.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013



**WP(C) No.216/2012**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. VGK Kynta, Senior counsel for the  
petitioner.

List it after winter vacations.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

**Lam**

**09.12.2013**

**WP(C) No.245/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

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

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

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

List it after three weeks.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

**Lam**

**09.12.2013**

**WP(C) No.264/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. R Kar, Advocate, present for the petitioner.

Shri. S Dey, Advocate, present for the respondent No.1.

Shri. ND Chullai, Sr. Govt. Advocate, present for the respondents  
No.2-4.

Shri. K Paul, Advocate, present for the respondents No.5 & 6.

Learned counsel for the petitioner states that the petitioner does not  
require to file any rejoinder affidavit to the counter affidavit filed on behalf of the  
respondents No.5 & 6.

Learned counsel for the respondent No.1 and learned counsel for  
the respondents No.2-4 pray for and are allowed further two weeks' time to file  
their counter affidavits.

List it after two weeks' along with **WP(C)No.203/2013**.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

WP(C) No.324/2013

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Mr. ND Chullai, Senior Govt. Advocate  
for the State respondents.

List it on **13.12.2013**.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

WP(C) No.356/2012

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Shri. K Paul, counsel for the petitioner.  
List it after winter vacations.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

FAO No.1/2012

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Shri. S Dey, counsel for the  
respondent.

List it after winter vacations.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

**MC (WP(C)No.364/2013**  
**In WP(C) No.324/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE**  
**and HON'BLE MR. JUSTICE S.R. SEN**

List along with ***WP(C)No.324/2013***.

**JUDGE**  
**(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**MC (WA)No.273/2013**  
**In WA No.32/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. H Abraham, Advocate, present for the applicant/appellant.  
Shri.KP Bhattacharjee, Advocate, present for the respondent No.1.  
Shri.B Khyriem, Advocate, present for the respondents No.2, 3 & 4.  
Heard.

By means of this application (*Misc. Case No.273/2013*), the applicant/appellant has sought condonation of delay in filing the writ appeal against the judgment and order dated *01.03.2013* passed by the learned Single Judge in *WP(C)No.(SH)291/2010*.

The delay of 121 days has been sufficiently explained in the application supported by an affidavit of applicant/appellant (***Smti.Swarnali Basumatry***).

No counter affidavit has been filed to the affidavit filed for the delay condonation application.

In the above circumstances, the delay condonation application is allowed.

Delay in filing the appeal is condoned. ***Misc. Case No.273/2013*** stands disposed of.

**JUDGE**  
**(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**





**MC(WP(C)No.310/2013**  
**In WP(C) No.203/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE**  
**and HON'BLE MR. JUSTICE S.R. SEN**

List along with ***WP(C)No.203/2013.***

**JUDGE**  
**(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**MC(WP(C)No.360/2013**  
**In WP(C) No.203/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE**  
**and HON'BLE MR. JUSTICE S.R. SEN**

Shri. R Jha, Advocate, present for the applicant/3<sup>rd</sup> party.

Shri. AS Siddiqui, Advocate, present for the writ petitioner/opposite party.

By means of this application, the applicant/3<sup>rd</sup> party (*All Meghalaya Goods and Coal Carrier Trucks Drivers and Handymen Union, Meghalaya*) has sought its impleadment in ***Writ Petition No.203/2013***.

Learned counsel for the writ petitioner/opposite party prays for and is allowed two weeks' time to file objection/counter affidavit to the affidavit filed with the application for impleadment.

List it after two weeks' along with ***WP(C)No.203/2013***.

**JUDGE**  
**(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**Misc. Caveat Ptn.No.152/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Since the caveator is now represented in the *Writ Petition No.203/2013*, as such, this caveat application (*Misc. Caveat Ptn.No.152/2013*) stands disposed of.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**PIL No.1/2011**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

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

Shri. ND Chulai, Sr. Govt. Advocate, present for the respondents  
No.1-4.

Shri. R Deb Nath, Advocate, present for the respondent No.5.

Shri. H Kharmih, Advocate, present for the respondent No.6.

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

List it after three weeks.

Meanwhile, petitioner is allowed to file rejoinder affidavit to the  
counter affidavit filed by the respondent No.2 within three weeks.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**PIL No.5/2012**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. R Kar, Advocate, present for the petitioner.

Shri.R Deb Nath, Advocate, present for the respondent No.1.

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

Shri. P Nongbri, Advocate, present for the respondent No.7.

Learned counsel for the respondents pray for and are allowed further three weeks' to file their counter affidavit.

List it after three weeks.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**PIL No.6/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. Sankar Prosad Dass, Advocate/petitioner is present in person.  
Heard.

By means of this writ petition in the nature of *Public Interest Litigation*, the petitioner has sought direction to the respondents to relocate mobile phone towers for their installations away from schools, hospitals and immediate vicinity of the congested areas.

Notices on behalf of the respondents No.5, 6 & 7 are accepted by Shri. N.D. Chullai, Sr. Govt. Advocate, who prays for and is allowed four weeks' time to file counter affidavit. Shri.SC Shyam, Senior Advocate, representing respondents No.1, 2 & 4 also prays for and is also allowed four weeks' time to file counter affidavit.

Issue Notices to respondents No.3, 8, 9, 10, 11, 12 & 13, who may also file their counter affidavits within four weeks.

List it after four weeks.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

**Lam**

**09.12.2013**

**PIL No.4/2013**

**09.12.2013**

Shri. GS Massar, Senior Advocate/petitioners is present in person.

Shri. ND Chullai, Senior Govt. Advocate, present for respondents No.1-3.

Shri. N Mozika, Advocate, present for respondents No.4-6.

**HON'BLE THE CHIEF JUSTICE**  
and **HON'BLE MR. JUSTICE S.R. SEN**

**ORDER**

***(Oral: Prafulla C. Pant, Chief Justice)***

Heard.

By means of this writ petition in the form of *Public Interest Litigation*, the petitioners (who are the Advocates of this Court) have sought certain directions of this Court to stop construction activities of a multi storied building in the vicinity of premises of the High Court.

In compliance of this Court's Order dated 16.08.2013, inspection of the spot appears to have been made and report dated 03.09.2013 (Annexure-A3 to the counter affidavit on behalf of the State respondents) was filed which discloses the following facts:-

***(a) The lessee/land owner had caused digging of soil in the land without any permission from the concerned authority nor any "No Objection Certificate" obtained from adjacent land/leased owner.***

***(b) The digging was carried out in the whole plot and water accumulated thereto; endangering the land/sane ..... may fall of its own.***

***(c) The height adjacent to boundary of High Court is stated to be about 5 metres (+)and digging for another 8m (+) or so was done without observation of normal rules and procedures; so also, in the eastern site of the plot, about 5m (+) or so digging completed.***

***(d) The digging portion is about 3' to 4' from the main boundary wall."***



Having considered the submissions of the learned counsel for the parties and after going through the papers on record, this Court is of the view that if pit dug by the respondents 4-6 in the northern side of the High Court building is allowed to remain so, it would further endanger the High Court building. Learned counsel for the respondents No.4-6 stated before this Court that respondents No.4-6 are ready to fill the pit dug by them and they are also ready to construct and reinforce the retaining wall on the southern side of their plot (i.e. towards High Court building), so that no damage is caused to the High Court building and they may be allowed to submit a plan for construction over their plot to the concerned development authority namely, Meghalaya Urban Development Authority.

In the above circumstances, respondent 5 (*Shri.Jagdish Prasad Goenka*) and respondent 6 (*Shri.Kishan Kumar Goenka*) are allowed to fill the pit got dug by them on their plot, on the northern side of the High Court building, up to the ground level. They are further directed to construct and reinforce the retaining wall towards the High Court building within a period of three months from today. If filling and construction is done as directed above within three months or before, the respondents No.5 & 6 may submit their plan for construction of their building over their plot to the Meghalaya Urban Development Authority for its sanction in accordance with rules. To that extent, interim order dated 16.08.2013 is modified.

List this case after three months.

**JUDGE**  
**(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*Lam*

09.12.2013

WA No.2/2012

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Shri. N Mozika, counsel for the  
respondent.

List it after winter vacations.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

WA No.9/2013

09.12.2013

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Shri. BK Deb Roy, counsel for the  
appellant.

List it after winter vacations.

JUDGE  
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

*Lam*

09.12.2013

**WA No.13/2011**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. BK Deb Roy, counsel for the  
respondent.

List it after winter vacations.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**WA No.23/2011**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri. JM Thangkhiew, counsel for the  
appellant.

List it after winter vacations.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**WA No.32/2013**

**09.12.2013**

**HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. H Abraham, Advocate, present for the appellant.

Shri.KP Bhattacharjee, Advocate, present for the respondent No.1.

Shri.B Khyriem, Advocate, present for the respondents No.2, 3 & 4.

Heard.

This writ appeal is directed against the judgment and order dated *01.03.2013* passed by the learned Single Judge in *WP(C)No.(SH)291/2010*.

Considered the submissions of the learned counsel for the appellant and learned counsel for the respondents and perused the order challenge before the writ appeal.

Admit the writ appeal.

List this appeal for final hearing in due course.

**JUDGE  
(Hon'ble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

***Lam***

**09.12.2013**

**W.A. No. 23 of 2013**

**09.12.2013**

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

Passed over for the day.  
List after winter vacations.

**JUDGE  
(Honble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*D. Nary*

**W.P(C) No. 180 of 2012**

**09.12.2013**

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

Passed over for the day.  
List after winter vacations.

**JUDGE  
(Honble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*D. Nary*



**WA. No. 64 of 2011**

**09.12.2013**

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

Shri K. Khan, Advocate, present for the writ appellant.

Shri B.K. Deb Roy, Advocate, present for the respondents  
No. 1 and 3.

Shri B. Bhattacharjee, Advocate, present for the  
respondent No. 2.

Heard argument.

Judgment reserved.

**JUDGE  
(Honble Mr. Justice S.R. Sen)**

**CHIEF JUSTICE**

*D. Nary*