

CRL.REV.P. No. 2 of 2014

15.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. A.Sinha, Advocate, present for the revisionist.

Learned counsel for the review applicant prays for and is allowed to get the notices served Dasti (by hand) on the respondent, Gopal Chettri.

List after 2(two) weeks.

S.Rynjah

CHIEF JUSTICE

MC[WP(C)] No. 296 of 2013

In WP(C). No. 267 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

In view of the order dated 13-9-2013 since stay order was declined in the writ petition, as such this MC [WP(C)] No. 296 of 2013 stands disposed of.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 43 of 2014

15.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. K. Gautam, Advocate, present for the petitioner.

Mr. KP Bhattacharjee, Govt. Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 87 of 2014

15.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. A.Kharumnuid, Advocate, present for the petitioner.

Mrs. NG Shylla, Govt. Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 121 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

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

Mr. SD Upadhaya, Advocate, present for the respondents.

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

List after 3(three) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 151 of 2014

15.4.2014

HON'BLE THE CHIEF JUSTICE

Mr.JM Thangkhiew, Advocate, present for the petitioners.

Mrs. NG Shylla, Govt. Advocate, present for the State respondent.

Mr. B.Khyriem, Advocate, present for respondent No.2.

By means of this writ petition, the petitioner has sought appointment to the post of Inspector of Taxes on the basis of his name figuring in the select list prepared in 2010 by the Meghalaya Public Service Commission.

Learned counsel for the respondents pray for and are allowed 4(four) weeks' time to file their counter affidavits.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 214 of 2011

15.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. A.Kharumnuid, Advocate, present for the petitioner.

Mr. LR Sangma, Advocate, present for the respondents No. 1 and 2.

Mr. AH Hazarika, Advocate, present for the respondent No.3.

Learned counsel for the respondent No. 3 states that counter affidavit on behalf of respondent No. 3 was filed on 17-2-2012.

Registry is directed to trace out the said counter affidavit and place the same on the record.

Learned counsel for the respondents No. 1 and 2 prays for and is allowed further one weeks' time to file the counter affidavit.

List after one week.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 219 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. R.Pyngrope, Advocate, present for the petitioners.

Mr. R.Gurung, Govt. Advocate, present for the respondents.

Learned counsel for the petitioners prays for and is allowed further one weeks' time to file the rejoinder affidavit.

List after one week.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 267 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. R.Dutta, Advocate, present for the petitioners.

Mrs. NG Shylla, Advocate, present for the respondents.

Service on respondent No. 5 at its address of Chanakya Puri, New Delhi is treated sufficient as the notices sent by registered post on 24-2-2014 are not received back even after a period of one month.

As far as other respondents are concerned, respondents No. 2 to 4 have filed their joint affidavit-in-opposition on 29-10-2013.

Learned counsel for the petitioners states that rejoinder affidavit to said counter affidavit has been filed in the registry today.

Heard.

Admit the petition.

List this writ petition for hearing before the appropriate bench.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 280 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. R.Sahu, Advocate, present for the petitioners.

Mr. ND Chullai, Sr. Govt. Advocate, assisted by Mrs. NG Shylla, Govt. Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed to withdraw the writ petition with liberty to file afresh.

Accordingly, the writ petition is dismissed as withdrawn with liberty as above.

S.Rynjah

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

WP(C). No. 285 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

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

Ms. P.Roy, Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further 3(three) days time to file the rejoinder affidavit to the affidavit-in-opposition filed on behalf of the respondents.

List in the next week.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 325 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

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

Mr. R.Gurung, Govt. Advocate, present for the respondents No. 1 to 4.

Mr. B.Khyriem, Advocate, present for the respondents No. 5 and 6.

Mr. KP Bhattacharjee, Advocate, on behalf of Mr. S.Sen Gupta, Advocate, present for the private respondents.

Learned counsel for the petitioners prays for and is allowed further 3(three) weeks' time to file the rejoinder affidavit to the counter affidavits filed on behalf of the respondents No. 4, 5 and 6.

List after 3(three) weeks. Meanwhile, respondents No. 1 to 3 and respondents No. 7 to 71 are also allowed to file their counter affidavits.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 362 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. SD Upadhaya, Advocate, present for the petitioners.

Mrs. NG Shylla, Govt. Advocate, present for the respondent No.1.

Ms. PS Nongbri, Advocate, present for the respondent No. 2.

Mr. L.Khyriem, Advocate, present for the respondent No. 5.

1. Heard.

2. By means of this writ petition, the petitioner has challenged the order dated 29-1-2010 passed by One Member Tribunal of Khasi Hills Autonomous District Council, Shillong in Boundary Case No. 2 of 2008.

3. The dispute between the parties relates to the boundaries of Village Mawlam and Village Mawkliaw. It appears that by the impugned order challenged in the writ petition, the dispute was decided by the One Member Tribunal of Khasi Hills Autonomous District Council, Shillong with the following observations after hearing the parties:

“Hence, this Tribunal holds that the boundary between Mawlam and Mawkliaw Village is demarcated as indicated hereunder:

“Starting from Umrew River on the west, the boundary followed water course of Umbai-Umtong stream and rises up along the top of the cliff to a place called Phlangpynshei. From here it thence runs straight southward to U Lum Larkhah. Thence it followed the Tapalarkhah stream and runs southward till it meets Lajuki River. From here the boundary thence runs Eastward to a place called

Mawlangkyrdong. Thence to Mawlyngkrom. From this place it runs up alongside Pungpdem stream where it meets the Iardiengtar and Jawiang streams and thence to Rangkewskhem. From here it thence runs further East towards Ramsong stream and thence to U Lum Mawslah where it meets the Lithang stream, from here it runs Northeasterly to a ditch called Ka Phrap and thence runs further North to a pool called Ka Pung Jyrngam where it meets Umnuih Tmar Elaka and Nongshken.”

However, the right of the villagers of both the Elaka/villages who claimed to be cultivating across the aforesaid boundary being essentially disputes regarding civil right, this Tribunal is not competent to adjudicate the individual civil right for which the parties are felt to raise their grievances if any before appropriate forum of law.”

4. The factual boundary disputes of villages cannot be re-examined by this Court in its writ jurisdiction.

5. The writ petitioners have themselves pleaded in para 23 of the writ petition as under:

“23. That the petitioners herein are ready to seek redressal in the civil court and as such this Hon’ble Court may be pleased to dispose of the writ petition permitting the petitioners to seek for redressal in the civil court.”

6. In the above circumstances, this Court is not inclined to entertain this writ petition challenging the order dated 29-1-2010 passed by One Member Tribunal of Khasi Hills Autonomous District Council, Shillong in Boundary Case No. 2 of 2008, and order dated 10-7-2013 passed by

Executive Member, Elaka Administration of Khasi Hills Autonomous
District Council, Shillong in Boundary Case Appeal No. 1 of 2012.

7. Therefore, this writ petition is dismissed summarily.

S.Rynjah

(Prafulla C.Pant)
CHIEF JUSTICE

WP(C). No. 364 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. R.Dutta, Advocate, present for the petitioner.

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

Learned counsel for the petitioner prays for and is allowed to file the rejoinder affidavit during the course of the day.

List in the next week.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 365 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. R.Dutta, Advocate, present for the petitioner.

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

Learned counsel for the petitioner prays for and is allowed to file the rejoinder affidavit during the course of the day.

List in the next week.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 396 of 2013

15.4.2014

HON'BLE THE CHIEF JUSTICE

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

Mrs. NG Shylla, Govt. Advocate, present for the respondents. No.1 to 4.

Learned counsel for the respondents No. 1 to 4 prays for and is allowed further 3(three) weeks' time to file the counter affidavit.

List after 3(three) weeks.

S.Rynjah

CHIEF JUSTICE