

Cont. Cas(C) No. 23 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

None present for the petitioner even in the revised call.

Shri N.D.Chullai, Sr. Govt. Advocate, assisted by Smti N.G.Shylla, Govt. Advocate, present for the respondents.

In response to the notice issued by this Court in the contempt petition which was filed by the petitioner alleging willful disobedience of this Court's order dated 26-7-2012 passed in WP(C) No. 191 of 2011, response have been filed by the alleged contemnor, Shri S.K.Budnah, Divisional Forest Officer, East Garo Hills, Williamnagar.

In para 7 of the response (affidavit), the alleged contemnor has explained the circumstances relating to the compliance of this Court's order dated 26-7-2012 passed in WP(C) No. 191-2011.

Having gone through para 7 of the response (affidavit) filed by the alleged contemnor, this Court is of the view that there is no willful disobedience on the part of the alleged contemnor in respect of order dated 26-7-2012 passed in WP(C) No. 191 of 2011, at this stage.

Therefore, the notices are discharged, Contempt petition stands disposed of.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 194 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Ms. A.R.Nath, Advocate, present for the petitioner.

Mr. P.Nongbri, Advocate, present for the respondent No.1.

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

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 206 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

List this case along with WP(C) No. 299 of 2013.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 221 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

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

Shri S.Dey, Advocate, present for the respondents No.1 to 3.

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

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 286 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri A.H.Hazarika, Advocate, present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate, assisted by Mrs. N.G.Shylla,
Govt. Advocate, present for the respondents.

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

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 299 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri A.S.Siddique, Advocate, present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate, assisted by Mrs. N.G.Shylla,
Govt. Advocate, present for the respondents.

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

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 305 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri V.K.Jindal, Sr. Advocate, assisted by Shri S.Dey, Advocate, present for the petitioner.

Smti. T.Yangji, Advocate, present for the respondents.

Counter affidavit is said to have been filed today in the Registry by the respondents.

Learned counsel for the petitioner prays for and is allowed 4(four) weeks' time to file the rejoinder affidavit to the counter affidavit filed on behalf of the respondents.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 336 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

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

Smti. N.G.Shylla, Govt. Advocate, present for the respondents No. 1 and 2.

Learned counsel for the respondents No. 1 and 2 prays for and is allowed further 3(three) weeks' time to file the counter affidavit.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 384 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri N.Khan, Advocate, present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate, assisted by Smti N.G.Shylla, Govt. Advocate, present for the respondents.

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

List this case after 4(four) weeks along with WP(C) No. 371 of 2013.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 376 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri S Chakraborty, Advocate, present for the writ petitioner.

Shri ND Chullai, Sr. GA, present for the respondents No. 1 to 3.

Heard.

By means of this writ petition, the petitioner has challenged the order dated 10.10.2013, passed by the District Council Court, KHADC, Shillong in Misc. Civil Appeal No. 16 of 2013, whereby the operation of the order dated 06.09.2013 passed by the trial Court (Presiding Officer Subordinate District Council Court) in Misc. Case No. 2 of 2013 has been stayed.

Learned counsel for the petitioner argued that by the aforesaid impugned order dated 10.10.2013, the entire community associated with Raid Laban Dorbar have been deprived of using the grave-yard at Umjasai and it has created a serious problem.

Issue notices to respondents No. 4, 5 and 6, who may file their counter affidavits within a period of four weeks.

Learned counsel for respondents No. 1 to 3 also prays for and is allowed four weeks' time to file counter affidavit. Meanwhile, in the above circumstances, as an interim measure, it is directed that the operation of the order dated 10.10.2013 passed by the Judge, District Council Court, East Khasi Hills in Misc. Civil Appeal No. 16 of 2013 shall remain stayed till the next date of listing. It is clarified that the proceedings before the trial Court or that of the appeal are not stayed by this Court.

List after winter vacations.

CHIEF JUSTICE

dev
17.12.13

AB No. 156 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

List this matter on 14.01.2014, as prayed for by the
learned counsel for the applicant.

CHIEF JUSTICE

dev
17.12.13

BA No. 155 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri S Chakraborty, Advocate, present for the applicant.

Smti T Yangi, Advocate, present for the respondents.

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

List on 07.01.2014.

CHIEF JUSTICE

dev
17.12.13

BA No. 157 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri N Syngkon, Advocate, present for the applicant.

Shri ND Chullai, Sr. GA, present for the respondent.

Learned counsel for the respondent prays for and is allowed two weeks' time to produce the case diary, and to file counter affidavit.

List on 14.01.2014.

CHIEF JUSTICE

dev
17.12.13

Cont Case(C)No. 29 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri HL Shangreiso, Advocate, present for the writ petitioner.

Learned counsel for the petitioner prays for and is allowed to move amendment/correction application to amend the prayer clause in the contempt petition.

List after winter vacation.

CHIEF JUSTICE

dev
17.12.13

Cr1 MC No. 72 of 2013
IN Cr1 A No. 5 of 2012
AND
Cr1 MC No. 73 of 2013
IN Cr1 A No. 6 of 2012

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri BK Deb Roy, Advocate, present for applicants/appellants.

Shri VK Jindal, Sr. Advocate, assisted by Shri S Dey, Advocate, present for the respondent.

Through these two Cr1. Misc. Applications, the applicants/appellants have sought certificate for appeal to the Supreme Court under Article 134-A read with Article 132 of Constitution of India, against the judgment and order dated 10.12.2013 passed by this Court in Criminal Appeal No. 5 of 2012 and Criminal Appeal No. 6 of 2012, whereby this Court affirmed the conviction and sentence recorded by the trial Court against the two accused (present applicants/appellants).

Having heard learned counsel for the parties and after going through the judgment and order dated 10.12.2013, passed in Criminal Appeal No. 5 of 2012 and Criminal Appeal No. 6 of 2012, this Court is of the view that there is no substantial question of law as to the interpretation of Constitution, involved in this matter.

Therefore, without prejudice to the rights of the parties, the Criminal Misc. Applications (Cr1 Misc. Case No. 72 of 2013 and Cr1 Misc. Case No. 73 of 2013) for certificate of appeal to the Supreme Court, are hereby rejected.

CHIEF JUSTICE

dev
17.12.13

Cr1 MC No. 73 of 2013
IN Cr1 A No. 6 of 2012

17.12.2013

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in Cr1. MC 72
of 2013, this Cr1 MC also stands disposed of.

CHIEF JUSTICE

dev
17.12.13

MC No. 408 of 2013
IN WP(C)No. 376 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 376 of
2013 after winter vacations.

CHIEF JUSTICE

dev
17.12.13

MC No. 409 of 2013
IN WP(C)No. 377 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 377 of 2013
after four weeks.

CHIEF JUSTICE

dev
17.12.13

MC No. 410 of 2013
IN WP(C)No. 144 of 2011

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri ND Chullai, Sr. GA, present for the applicants/respondents.

Shri BK Das, Advocate, present for the Opposite Parties/writ petitioners.

Heard.

By means of this application (MC No. 410 of 2013), the respondents in the writ petition have sought four months' time to comply with the order dated 14.08.2013 passed in WP(C)No. (SH)144 of 2011.

Having heard learned counsel for the parties, the time as prayed in the application is allowed. Misc. Case 410 of 2013 stands disposed of.

CHIEF JUSTICE

dev
17.12.13

MC No. 412 of 2013
IN WP(C)No. 265 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri P Nongbri, Advocate, present for the applicant.

Shri R Deb Nath, CGC, present for respondent No.

1.

Ms SG Momin, Advocate, present for respondent
Nos. 2 to 6.

Learned counsel for respondents No. 2 to 6 prays
for and is allowed four weeks' time to file counter
affidavit.

List after four weeks.

CHIEF JUSTICE

dev
17.12.13

MC No. 413 of 2013
IN WP(C)No. 308 of 2012

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri R Jha, Advocate, present for the applicant/writ petitioner.

Shri AH Hazarika, Advocate, holding brief for Shri SC Shyam, counsel for the respondents.

Heard.

By means of this application (MC No. 413 of 2013), the applicant/writ petitioner has sought restoration of WP(C)No. (SH)308 of 2012, which was dismissed in default of the parties on 21.11.2013.

Having considered the ground mentioned in the application supported by an affidavit, this restoration application deserves to be allowed. Accordingly, restoration application is allowed. WP(C)No. 308 of 2012 stands restored. (Misc. Case No. 413 of 2013 stands disposed of).

CHIEF JUSTICE

dev
17.12.13

MC No. 414 of 2013
IN WP(C)No. 319 of 2012

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri R Jha, Advocate, present for the applicant/writ petitioner.

Shri R Deb Nath, CGC, present for respondents No. 1 and 2.

Shri ND Chullai, Sr. GA, present for respondents No. 3 to 5.

Learned counsel for the applicant/writ petitioner prays for and is allowed to withdraw this Misc. application with liberty to file a fresh, impleading all the parties mentioned in the writ petition.

Misc. case No.414 of 2013 accordingly stands dismissed as with liberty as above.

CHIEF JUSTICE

dev
17.12.13

WP(Crl) No. 14 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri SP Mahanta, Advocate, present for the petitioner.

Shri K Khan, Addl. Sr. GA, present for the respondents No. 2 to 5.

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

List after four weeks.

CHIEF JUSTICE

dev
17.12.13

WP(C)No. 308 of 2012

17.12.2013

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in MC No. 413 of 2013, this writ petition is restored to file.

List after winter vacations.

CHIEF JUSTICE

dev
17.12.13

WP(C) No. 383 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri HG Baruah, Advocate, present for the petitioner.

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

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

List after six weeks.

CHIEF JUSTICE

dev
17.12.13

WP(C) No. 377 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri ODV Ladiaa, Advocate, present for the writ petitioner.

Shri ND Chullai, Sr. GA, present for respondents No. 1 and 3.

By means of this writ petition, the petitioner has sought relief that the agreement dated 02.07.2013 (copy Annexure 3 to the writ petition) which according to him was got executed from him under duress and coercion, be not given effect to.

In substance, the dispute appears to be between husband (present petitioner) and his wife (respondent No. 4). Respondent No. 4 said to have made a complaint to the State Women Commission, from where on receiving notice, the parties to matrimony entered into a compromise dated 02.07.2013, whereby the petitioner agreed to pay Rs. 4,000/- per month as maintenance to his wife and children. The petitioner states that the agreement was obtained under coercion and duress.

Issue notice to respondent No. 4 Smti Ditis Jana, who may file her counter affidavit within a period of four weeks.

List after four weeks.

CHIEF JUSTICE

dev
17.12.13

WP(C) No. 378 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri S Sen, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for the respondents.

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

List after four weeks along with WP(C)No. 235/2013.

CHIEF JUSTICE

dev
17.12.13

WP(C) No. 379 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri P Dey, Advocate, present for the petitioners.

Shri VGK Kynta, Sr. Advocate, present for respondents No. 1 to 3.

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

Issue notice to respondent No. 4 Shri Jesperland Khardewsaw, who may also file his counter affidavit within a period of four weeks.

List after four weeks.

CHIEF JUSTICE

dev
17.12.13

WP(C) No. 380 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Shri GS Massar, Sr. Advocate, assisted by Shri JM Thangkhiew, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for respondent.

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

List after four weeks.

CHIEF JUSTICE

dev
17.12.13

WP(C) No. 381 of 2013

17.12.2013

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for the respondents.

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

List after four weeks along with connected WP(C)No. 340/2013, WP(C)No. 367 of 2013 and WP(C)No. 368 of 2013.

CHIEF JUSTICE

dev
17.12.13