

BEFORE
HON'BLE MR JUSTICE SR SEN
BA No. 48 of 2014

22.10.2014

Heard Mr. K Paul, learned counsel for the petitioner.

Bail application will be considered after perusal of CD.

Call for CD.

Since Mr. KP Bhattacharjee, learned State counsel is present and accepted notice, no formal notice is called for.

Further, IO concerned is directed to be present along with CD on the next date fixed.

List this matter on 24.10.2104.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
CrI. MC No. 17 of 2014 in
CRL. PETN. No. 28 of 2014

22.10.2014

In the light of the order passed in CrI. Petn. No. 28 of 2014, this instant Misc. Case also stands disposed of.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
CRL. PETN. No. 28 of 2014

22.10.2014

Heard Mr. BMR Chyne, learned counsel for the petitioner who submits that, proceeding has been drawn U/s 145/107 CrPC by the Executive Magistrate, South West Khasi Hills, Mawkyrwat and attached the land. Hence, this instant petition for setting aside the order passed by the Executive Magistrate who could not decide till date the actual possession of the parties.

On the other hand, Mr. M Shangpliang, learned counsel appearing for the respondent submits that, Title Suit bearing No. 17 of 2014 is pending before the Subordinate District Council Court, Shillong which is fixed 14.11.2014 for appearance and written statement. The learned counsel further submitted that Misc. Case No. 18 of 2014 is also pending before the Subordinate District Council Court for interim injunction and the same is fixed on 14.11.2014 for show cause.

I have perused the order dated 16.10.2014 passed in Misc. Case as well as in Title Suit wherein it appears that the learned Court below is of the opinion that, before passing any order for interim injunction, both the parties are to be heard and fixed 14.11.2014 for show cause.

It is a settled principle of law when a Civil Suit is pending in a Civil Court, simultaneous proceeding U/s 145/107 CrPC cannot proceed. Since Title Suit is pending before the learned Subordinate District Court, parties are at liberty to place their grievances before the learned Court below.

With these observations and directions, this instant petition is allowed to that extent and the matter stands disposed of.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
CRP No. 27 of 2014

22.10.2014

Heard Mr. K Paul, learned counsel for the petitioner who submits that, service of notice is still awaited.

List this matter after 3(three) weeks.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
WP(C) No. 143 of 2010

22.10.2014

Heard Mr. KP Bhattacharjee, learned counsel for the petitioner who submits that, similar issue is pending before the Hon'ble Apex Court and further submitted that an affidavit dated 3.09.2014 has been filed by Law Secretary, Government of Meghalaya.

I have perused the affidavit referred to above and from Para-3 it appears that, Special Leave Petition has been moved against the Judgment & Order dated 17.03.2010 in WA No. 6 (SH) 2009 to WA No. 31 (SH) 2009 by the Division Bench of the erstwhile Gauhati High Court, Shillong Bench relating to the execution of a will of the land situated at Rilbong, Shillong. The State Government preferred a Special Leave Petition vide Petition for Special Leave of Appeal (Civil) No. 30065-30089/2010 SLP (C) No. 30779/2010 30779 in the matter of the State of Meghalaya & Ors. vrs Deep Sharma etc., hence, the learned counsel prayed on behalf of the Government that the matter may be kept in abeyance for 6(six) weeks.

Prayer is allowed.

List this matter after 6(six) weeks.

JUDGE

V Lyndem