

**BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH**

23.04.2015

Heard Mr. VGK Kynta, learned senior counsel assisted by Mr. RK Synrem, learned counsel appearing for the petitioner, Ms. PS Nongbri, learned counsel for the respondents No.1-3 and Mr. P Nongbri, learned counsel for the respondent No.6.

Issue Notice returnable within four weeks.

Petitioner is to take steps for service of notice of the present writ petition to the respondents No.4 & 5 by registered post with AD within a week.

There is a prayer of interim. In support of the interim prayer, learned senior counsel appearing for the petitioner contended that the village of Laitkynsew comprises of four localities namely, (i) Ka Lum Wah-krem; (ii) Ka Mawlutuin; (iii) Ka Wahkhim-Sohsarat and; (iv) Ka Rynjang, which was duly confirmed by the Syiem of Nongkhlaw vide letter dated 21.04.2008. It is the further submission of the learned senior counsel appearing for the petitioner that the Chief and his Durbar is the competent authority under Section 3 of the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991 (for short 'the said Act, 1991') for creation of a new village by separation of territory from any village. Section 3 of the said Act, 1991 reads as follows:-

"3. Formation of new villages and alteration of areas. Boundaries or names of existing villages:- The Chief and his Durbar with the approval of the Executive Committee may, if the majority of the people of the village or villages so desire, by public notification:-

(i) form a new village by separation of territory from any village or villages or by uniting two or more villages or part of villages or by uniting any territory to a part of any village.

(ii) increase the area of any village.

(iii) diminish the area of any village.

(iv) alter the boundaries of any village.

(v) alter the name of any village."

It is the further submission of the learned senior counsel appearing for the petitioner that the said village i.e. Laitkynsew village is under the Syiem of Nongkhlaw. Learned senior counsel further contended that there is no order of the concerned Chief and his Durbar for the formation of new village called Sohsarat village.

To the contra, Ms. PS Nongbri, learned counsel for the respondents No.1-3 contended that the Sohsarat village is an old village and the respondent No.3 simply issuing the impugned order dated 10.04.2015 appointing the respondent No.4 as the Acting Sordar of Sohsarat village. Ms. PS Nongbri, learned counsel for the respondents No.1-3 further contended that even the parent village is not included in the villages mentioned in Appendix-II of the Assam & Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951 (for short 'the said Rules, 1951').

Mr. P Nongbri, learned counsel for the respondent No.6 contended that there is no order of the Syiem of Nongkhlaw and his Durbar for recognizing Sohsarat village as a separate and independent village. Mr. P Nongbri, learned counsel for the respondent No.6 further contended that if the Sohsarat village is the the old village, the name of the Sohsarat village should have been appeared in the list of villages in Appendix-II to the said Rules, 1951.

This Court also perused the Appendix-II to the said Rules, 1951 and found that the name of Sohsarat village is not appeared in the list of the villages mentioned in Appendix-II to the said Rules, 1951. It is the further submission of Mr. VGK Kynta, learned senior counsel appearing for the petitioner that the Sordar cannot be appointed for a non-existence village and for appointing of Sordar, there should be an independent and separate village.

Considering the submissions of the learned counsel appearing for the parties and also on perusal of the writ petition and its annexures, this Court is of the considered view that *prima facie* material has been made out for passing an interim. In the interim, it is provided that the impugned order dated 10.04.2015, shall remain suspended until further orders. However, liberty is granted to the respondents for filing an application for modification of the interim order.

List this case on *21.05.2015*.

JUDGE

Lam

MC(WP(C)No.72/2015
In WP(C)No.77/2015

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

23.04.2015

In view of the order passed today in the main writ petition i.e. WP(C) No.77/2015, this misc. case stands disposed of.

JUDGE

Lam

Review Petn. No.19/2014
In WP(C)No.376/2014

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

23.04.2015

List this case on *22.06.2015*.

JUDGE

lam

**BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH**

23.04.2015

Ms. R Paul, learned counsel for the petitioner submits at the Bar that Mr. K Paul, who is the conducting counsel for the petitioner is now indisposed inasmuch as, he is running high temperature.

Mr. S Sen Gupta, learned counsel for the State respondents also prayed for two weeks' time.

In such circumstances, the present case is adjourned for eight weeks.

List this case on *22.06.2015*.

JUDGE

Lam