

MC(WP(C)) No. 420 of 2013
IN WP(C) No. 389 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in WP(C) No.
389 of 2013, this Misc. Case also stands dismissed.

CHIEF JUSTICE

dev
27.01.14

AB No. 2 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Kharmawphlang, Advocate, present for the petitioners.

Shri ND Chullai, Senior GA, present for the State respondents.

Learned senior counsel for the State respondents prays for and is allowed one week's time to produce Case Diary.

List this matter on 06.02.2014.

CHIEF JUSTICE

dev
27.01.14

Caveat Petn No. 193 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in WP(C)No. 391 of 2013, this Caveat Petn. No. 193 of 2013 also stands disposed of.

CHIEF JUSTICE

dev
27.01.14

Cont Case No. 40 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri A Khan, Advocate, present for the petitioners.

Shri ODV Ladia, Advocate, present for the respondents.

Adjourned at the joint request of the learned counsel for the parties.

List on 11.02.2014.

CHIEF JUSTICE

dev
27.01.14

CrI MC No. 37 of 2013
IN CrI Petn No. 42 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this CrI. Misc. Case along with CrI. Petn. No. 42 of
2013 after two weeks.

CHIEF JUSTICE

dev
27.01.14

CrI MC No. 38 of 2013
IN CrI Petn No. 43 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this CrI. Misc. Case along with CrI. Petn. No. 43 of
2013 after two weeks.

CHIEF JUSTICE

dev
27.01.14

CrI Petn No. 42 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri P Nongbri, Advocate, present for the petitioners.

Shri ND Chullai, Senior GA, present for the State respondents.

Shri ODV Ladia, Advocate, present for respondent No. 2.

Learned counsel for the petitioners prays for and is allowed further two weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf of respondent No. 2.

List after two weeks along with CrI. Petn. No. 44 of 2013.

CHIEF JUSTICE

dev
27.01.14

Crl Petn No. 43 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri P Nongbri, Advocate, present for the petitioners.

Shri ND Chullai, Senior GA, present for the State respondents.

Shri ODV Ladia, Advocate, present for respondent No. 2.

Learned counsel for the petitioners prays for and is allowed further two weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf of respondent No. 2.

List after two weeks along with Crl. Petn. No. 44 of 2013.

CHIEF JUSTICE

dev
27.01.14

Crl Revn Petn No. 68 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Ms. SG Momin, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for respondents.

Counter affidavit has been filed on behalf of the State respondents Investigating Officer. Same be taken on record.

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

List after three weeks.

CHIEF JUSTICE

dev
27.01.14

MC No. 1 of 2014
IN WP(C)No. 2 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case after four weeks along with
WP(C)No. 2 of 2014.

CHIEF JUSTICE

dev
27.01.14

MC No. 2 of 2014
IN WP(C) No. 3 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Crl. Misc. Case along with WP(C)No. 3 of
2014 after three days.

CHIEF JUSTICE

dev
27.01.14

MC No. 4 of 2014
IN WP(C)No. 7 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C) No. 7 of 2014 on
29.01.2014.

CHIEF JUSTICE

dev
27.01.14

MC(WP(C)) No. 5 of 2014
IN WP(C) No. 8 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 8 of 2014
on 03.02.2014.

CHIEF JUSTICE

dev
27.01.14

MC No. 6 of 2014
IN WP(C) No. 6 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 6 of 2014
after three weeks.

CHIEF JUSTICE

dev
27.01.14

MC(WP(C)) No. 8 of 2014
IN WP(C) No. 8 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 8 of 2014 on
03.02.2014.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 396 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri S Sen, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for the respondents
No. 1 to 4.

Learned counsel for respondents No. 1 to 4 prays for and
is allowed four weeks' time to file counter affidavit.

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

MC No. 416 of 2013
IN WP(C)No. 385 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 385 of 2013
after four weeks.

CHIEF JUSTICE

dev
27.01.14

MC No. 417 of 2013
IN WP(C)No. 388 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 388 of 2013
after four weeks.

CHIEF JUSTICE

dev
27.01.14

MC No. 418 of 2013
IN WP(C)No. 386 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 386 of 2013
after four weeks.

CHIEF JUSTICE

dev
27.01.14

MC No. 419 of 2013
IN WP(C)No. 387 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 387 of 2013
after four weeks.

CHIEF JUSTICE

dev
27.01.14

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri R Pyngrope, Advocate, present for the petitioner.

Shri VGK Kynta, Senior Advocate, assisted by Shri R Thangkhiew, Advocate, present for respondents No. 1 to 3.

Shri KS Kynjing, Senior counsel, assisted by Shri H Kharmih, Advocate, present for respondents No. 4 to 6.

Heard.

By means of this writ petition, the petitioner has challenged the election of respondent No. 6 Shri Nathaniel Thangkhiew as Basan Nongkseh.

A preliminary objection is raised on behalf of respondents stating that there is a statutory remedy available to the aggrieved party under Section 14 of Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007.

In view of the above provision, learned counsel for the petitioner prays that he may be allowed to withdraw the writ petition with liberty to avail remedy available to him under law.

Accordingly, this writ petition is dismissed as withdrawn with liberty to seek remedy available to him under law with the observation that the authority concerned may consider the request for condonation of delay in entertaining the petition under Section 14(1) of Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007.

CHIEF JUSTICE

dev
27.01.14

MC No. 421 of 2013
IN WP(C)No. 391 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in WP(C)No. 391 of 2013, this Misc. Case No. 421 of 2013 also stands dismissed as withdrawn.

CHIEF JUSTICE

dev
27.01.14

MC No. 425 of 2013
IN WP(C)No. 319 of 2012

27.01.2014

HON'BLE THE CHIEF JUSTICE

Smti. J Pradhan, Advocate, present for the applicant.

Shri R Deb Nath, CGC, present for respondents
Union of India.

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

Learned counsel for the applicant undertakes to
serve copies on the counsel for the respondents.

List tomorrow (28.01.2014).

CHIEF JUSTICE

dev
27.01.14

MC No. 426 of 2013
IN WP(C)No. 319 of 2012

27.01.2014

HON'BLE THE CHIEF JUSTICE

Smti. J Pradhan, Advocate, present for the applicant.

Shri R Deb Nath, CGC, present for respondents Union
of India.

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

Learned counsel for the applicant undertakes to serve
copies on the counsel for the respondents.

List tomorrow (28.01.2014).

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 1 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for respondent No.

1.

Issue notices to respondents No. 2 and 3, who may also file their counter affidavits within a period of four weeks. Meanwhile, respondent No. 1 is also allowed to file counter affidavit.

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 2 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri AH Hazarika, Advocate, present for the petitioners.

Shri H Kharmih, Advocate, present for respondents No. 1 to 4.

Learned counsel for the respondents No. 1 to 4 prays for and is allowed to file counter affidavit within a period of four weeks.

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

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 3 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

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

Shri KS Kynjing, Advocate General, present for the State respondents.

Shri HS Thangkhiew, Senior Advocate, assisted by Shri N Mozika, Advocate, present for respondents No. 2 to 4.

Counter affidavit has been filed on behalf of respondents No. 2 to 4. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed three days time to file rejoinder affidavit.

List after three days. Meanwhile, respondent No. 1, may also file his counter affidavit.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 6 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri JM Thangkhiew,
Advocate for the petitioner.

List after three weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 7 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri N Mozika, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA present for the State
respondents.

Adjourned at the request of the learned counsel for the
parties, list this matter on 29.01.2014.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 8 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for respondents No. 1 and 2.

Shri VGK Kynta, Senior Advocate, assisted by Shri R Thangkhiew, Advocate, present for the respondents No. 3 to 6.

In the present writ petition, practically the petitioner has challenged the legislative competence of Khasi Hills Autonomous District Council to amend the Assam Meghalaya (Constitution of District Council) Rules, 1951.

In view of the above, it is directed that this matter be listed before the Division Bench of this Court on Monday (03.02.2014).

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 9 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri BK Das, Advocate, present for the petitioner.

Shri S Sen Gupta, Advocate, present for respondents
No. 1 to 5.

Learned counsel for respondents No. 1 to 5 prays for
and is allowed four weeks' time to file counter affidavit.

Issue notices to respondents No. 6 and 7 by
Registered Post (for which the petitioner shall take steps),
who may also file their counter affidavits within a period of
four weeks.

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 10 of 2014

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri A Khan, Advocate, present for the petitioner.

Shri H Kharmih, Advocate, present for respondents
No. 1 and 2.

Issue notices to respondents No. 3 and 4, who may
also file their counter affidavits within a period of four
weeks. Meanwhile, respondents No. 1 and 2 may also file
counter affidavits.

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 329 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

None present for the petitioner even in the revised call.

Shri ND Chullai, Senior GA, present for the State respondents.

Complete steps are not taken by the petitioner for service on respondents No. 8 to 13.

This writ petition is dismissed for non prosecution.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 331 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri P Nongbri, Advocate, present for the petitioners.

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

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

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 369 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri S Dey, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for respondents
No. 1 to 4.

Learned counsel for respondents No. 1 to 4 prays for
and is allowed further four weeks' time to file counter
affidavit.

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 385 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri DK Acharjee, Advocate, holding brief for Shri SC Shyam, Senior counsel for the respondents No. 1 to 4.

Smti T Yangi, Advocate, present for respondents No. 5 to 7.

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

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 386 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri DK Acharjee, Advocate, holding brief for Shri SC Shyam, Senior counsel for the respondents No. 1 to 4.

Smti T Yangi, Advocate, present for respondents No. 5 to 7.

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

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 387 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri DK Acharjee, Advocate, holding brief for Shri SC Shyam, Senior counsel for the respondents No. 1 to 4.

Smti T Yangi, Advocate, present for respondents No. 5 to 7.

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

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 388 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri DK Acharjee, Advocate, holding brief for Shri SC Shyam, Senior counsel for the respondents No. 1 to 4.

Smti T Yangi, Advocate, present for respondents No. 5 to 7.

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

List after four weeks.

CHIEF JUSTICE

dev
27.01.14

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioner.

Shri KS Kynjing, Senior Advocate, assisted by Shri H Kharmih, Advocate, present for respondents No. 2 to 6.

Heard.

This writ petition has been filed with the following prayer in the writ petition :

***“In the premises aforesaid, it is most respectfully prayed that your Lordship would be graciously pleased to admit the writ petition, issue rule calling upon the respondents to show cause as to why a writ in the nature of mandamus and/or any other appropriate writ/writs, Order/Orders or direction/directions should not be issued directing the respondents to consider the representation of the petitioner and thereafter forthwith restore the electricity connection to the petitioner’s Industrial Unit and grant an extension of 30 days time to satisfy the energy bills raised/generated for the months of October’ 2013 in addition to arrear instalment in terms of Order dated 13.05.2013 passed in WA No.(SH) 8 of 2013 and considering the situation further allow the petitioner to pay the energy bills for the month of November, 2013 on or before 15th January, 2013 and on cause or causes being shown and after hearing the parties be further pleased to make the Rule absolute and may pass such other or further order(s) or direction(s) as your Lordship may deem fit and proper to secure justice.*”**

And for this act of kindness, your humble petitioner as in duty bound shall every.”

It appears that in the earlier round of litigation arising out of WP(C)No. 80 of 2013 JUD Cements Ltd. vs. State of Meghalaya & Ors, Writ Appeal No. 8 of 2013 was filed which was disposed of by the Division Bench of this Court. Vide its order dated 13.05.2013, passed in Misc. Case No. 114 of 2013 (moved in WA No. 8 of 2013), the appellate court passed the following order :

***“Respondent shall make an immediate payment of Rs. 1,00,00,000/- (Rupees One Crore) only within a period of two weeks from today. On payment of such Rs. 1,00,00,000/-, the applicant should restore of power supply to the respondent-company. Thereafter, the respondent-company*”**

shall pay Rs. 25,00,000/- (Rupees Twenty Five Lakhs) only per week for a period of four weeks post reconnection. After such connection is restored, the respondent-company shall pay an additional amount of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) only per month towards arrears in addition to the current charges for every month commencing from the month of April, 2013.

It is also made clear that the reconnection will be effective on fulfillment of above conditions. But, however, it is also made clear that applicant-corporation is at liberty to disconnect the power supply if any of the above conditions are defaulted by the respondent-company.

With the above modification, the instant Misc. Case stands disposed of.”

In view of the order quoted above, passed by the Division Bench, this Court is of the view that this present writ petition, cognizable by a Single Judge is not maintainable as practically order passed by the Division Bench in writ appeal is sought to be diluted.

Therefore, this writ petition is dismissed with liberty to the petitioner to seek remedy available to him under law. The interim order dated 02.01.2014 is hereby vacated.

CHIEF JUSTICE

dev
27.01.14

WP(C) No. 395 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri N Mozika, Advocate, present for the petitioners.

Shri KP Bhattacharjee, 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.

CHIEF JUSTICE

dev
27.01.14

WP(C)No. 394 of 2013

27.01.2014

HON'BLE THE CHIEF JUSTICE

Shri S Chackraborty, Advocate, present for the petitioner.

Smti T Yangi, Advocate, 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
27.01.14