

Cont.Cas (SH)20/2013
In WP(C)No.(SH)203/2012

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

Heard PN Nongbri, learned counsel for the petitioner and also perused the judgment and order of this Court dated 22.11.2012 passed in WP(C)No.(SH)203/2012.

Issue Notice to show cause as to why contempt proceeding should be initiated as prayed for, returnable within four weeks.

Petitioner is directed to take steps for service of notice to the respondents by registered post with AD within four days.

List this case again on *08.08.2013*.

JUDGE

Lam

CR(P)No.(SH)23/2013

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

11.07.2013

Mr. S Dey, learned counsel for the petitioner prays for further one week's time to find out the present address of the respondent No.2, so as to enable him to take steps for service of notice to the respondent No.2 by registered post with AD.

Also heard Mr. K Khan, learned counsel for the respondent No.1.

As prayed for further one week's time is granted to Mr. S Dey for taking steps.

List this case again on *01.08.2013*.

JUDGE

LMM

CR(P)No.(SH)36/2013

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

11.07.2013

As prayed for by Mr. S Sen, learned counsel for the respondent, list this case again on *29.07.2013*.

Till the next date, interim order passed earlier shall continue.

JUDGE

Lam

CR(P)No.(SH)41/2013

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

Heard learned counsel for the parties.

Perused the impugned judgment and order dated 20.06.2013 and this Court is of the considered view that appropriate forum is appeal.

Mr. K Paul, learned counsel for the petitioner also prays for allowing him to withdraw this present revision petition without prejudicing the right of the petitioner to file an appeal against the impugned judgment and order before the appropriate authority. Accordingly, two weeks time is granted for filing the appeal before the appropriate authority.

Taking into consideration of the peculiar nature of this case, the impugned judgment and order shall not be given effect to or the petitioner should not be evicted till the appeal is filed by the petitioner before the appropriate authority.

With the above observations and directions, this revision petition stands disposed of on withdrawal.

The Registry is directed to furnish a copy of this order to Mr. K Khan, learned Addl Sr.GA in the course of the day.

JUDGE

Lm

Crl.Appl.No.(SH)8/2010

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

11.07.2013

List this case again on *06.08.2013*.

JUDGE

Lam

MC (WP(C)No.(SH)234/2013
In WP(C)No.(SH)198/2013

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

Heard Mr. AH Hazarika, learned counsel appearing for the applicants and Mr. ND Chullai, learned Sr. GA assisted by Mr. H Abraham, learned counsel for the official respondents.

Issue Notice returnable within three weeks.

No formal notice is called for as the respondents had already entered appearance through Mr. ND Chullai, learned Sr GA.

Mr. AH Hazarika, learned counsel for the applicants strenuously contended that an ad-interim order is called for, inasmuch as, this present writ petition will become infructuous, if there be no interim order. Keeping in view of the submission of Mr. AH Hazarika, learned counsel for the applicant, this Court had given sufficient opportunities to the parties to put up their respective cases.

On hearing the submission of Mr. AH Hazarika, learned counsel for the applicants and also on perusal of the record, it appears that an ad-interim order is called for. As an ad-interim measure, it is provided that the operation of the impugned order dated 21.06.2013 shall remain suspended till the next date i.e. **01.08.2013.**

The Registry is directed to furnish a copy of this order to the learned counsel for the parties in the course of the day.

JUDGE

LIII

WP(C) No.(SH)123/2012

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

11.07.2013

The petitioners are the residents of Police Bazar area, Shillong and they are aggrieved by the order of the authority for not allowing to drive their vehicles into Police Bazar area where they are residing. It is the case of the petitioners that the order prohibiting the vehicles to enter Police Bazar area is flouted by senior Police officials by allowing the family of the senior police officials to enter Police Bazar area by using official vehicles. This Court is not accepting such allegation made against the senior police officer without making any enquiry. At the same time, it is also strange to this Court that serious allegation made by the petitioners in paragraph 9 that "unfortunately, vehicles belonging to senior police officials were being permitted to enter Police Bazar without any hindrance", are not denied by the respondents while filing their affidavit-in-opposition.

The consequence of not denying serious allegation of the petitioners in the said paragraph would be that the families of senior police officials are allowed to enter Police Bazar area by using official vehicles. This is not the final decision of the Court. This Court is making an observation only on the fact made in this present writ petition which is not empathically or categorically denied by the respondents while filing their affidavit-in-opposition.

In the given case, it appears that the vehicles are not allowed to enter Police Bazar area for controlling heavy traffic which could not be coped up by congested roads inside Police Bazar area. However, at the same time, if the residents of Police Bazar area are not allowed to drive their vehicles to their respective homes, it would be denial of the right guaranteed under the Constitution of India. The rights guaranteed under the Constitution of India are subjected to a reasonable restriction. The restriction imposed by the concerned authority by not allowing the residents of Police Bazar area to drive vehicles to their respective homes is reasonable or not. This Court is not making any comments. *Prima facie* view is that the restrictions

should be imposed in driving the vehicles into Police Bazar area in the interest of justice, more particularly, for controlling of heavy traffic for the convenience of the public. However, at the same time, the residents of Police Bazar area cannot be restricted fully to drive their vehicles to their respective homes. Therefore, it is required to formulate a scheme to sort out this complicity in the interest of public as well as the residents of Police Bazar area. The scheme can only be formulated by the parties through a settlement assisted by independent third person.

For formulating the scheme in this particular case, a Committee consisting of Superintendent of Police (Traffic), Meghalaya, Shillong, Superintendent of Police (City), Meghalaya, Shillong, learned 2(two) Vice President of the Shillong High Court Bar Association, namely, Shri.VK Jindal and Mr. SP Mahanta and the petitioner No.1, is constituted.

The Committee so constituted shall formulate a scheme for sorting out the said complicity in the interest of public as well as the residents of Police Bazar area within a period of four weeks' from today and submit a report to this Court.

The Registry is directed to furnish a copy of this order to the said learned 2(two) Vice President of the Shillong High Court Bar Association, namely, Shri.VK Jindal and Mr.SP Mahanta, Mr. AH Hazarika, learned State counsel and Mr. K Paul, learned counsel for the petitioners in the course of the day.

List this case again on 08.08.2013.

JUDGE

Ld III

WP(C)No.(SH)135/2013
Along with WP(C)No.(SH)136/2013
To
WP(C)No.(SH)154/2013
MC(SH)180/2013

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

As prayed for the by the parties, list this case again on
15.07.2013. On the next date i.e. 15.07.2013, an attempt shall be
made to dispose of these writ petitions at the Admission stage itself.

JUDGE

L/M

WP(C)No.(SH)198/2013

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

Heard Mr. AH Hazarika, learned counsel appearing for the petitioners and Mr. ND Chullai, learned Sr. GA assisted by Mr. H Abraham, learned counsel for the official respondents.

Issue Notice returnable within three weeks.

No formal notice is called for as the respondents had already entered appearance through Mr. ND Chullai, learned Sr GA.

List this case again on *01.08.2013*.

JUDGE

Lam

WP(C)No.(SH)275/2012

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

List this case again on *18.07.2013*.

JUDGE

Lam

WP(C)No.(SH)325/2012
BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

11.07.2013

List this case again on *08.08.2013*.

JUDGE

Lam