WA No. 21 of 2015
IN WP(C) No. 122 of 2015

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR. JUSTICE S.R. SEN

13.07.2015

Mr K Paul, learned counsel, appears for the appellant.

Mr ND Chullai, learned senior GA, represents the respondents.

Mr K Paul, learned counsel prays for time to serve a copy of the writ appeal on learned counsel for the private respondent. He may do so within a week. List on 20.07.2015.

JUDGE CHIEF JUSTICE

dev

CRL.A. No. 2/2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH, CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

13.07.2015

Mr. M.F. Qureshi, learned counsel, appears for the applicant.

Mr. N.D. Chullai, learned senior GA, assisted by Mr. R. Gurung, learned GA, represents the respondents.

Learned senior GA, Mr. N.D. Chullai, prays for and is granted 1 (one) week's time to prepare the matter. List on 20.07.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

WA No. 52 of 2013
IN WP(C) No. 143 of 2012

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR. JUSTICE S.R. SEN

13.07.2015

Mr K Paul, learned CGC, appears for the appellants.

No one is for respondent.

A request is made on behalf of Mr R Jha, learned counsel for the respondent that the latter is on sanctioned leave on health ground. Thus, as per request, the matter is adjourned with a direction to list after two weeks. List on 28.07.2015.

JUDGE CHIEF JUSTICE

dev

WP(C) No. 68/2012

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH, CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

13.07.2015

Mr. VGK Kynta, learned senior counsel, appears for the petitioners.

Mr. KS Kynjing, learned Advocate General, and Mr. ND Chullai, learned senior GA, assisted by Mr. R. Gurung, learned GA, represent the State respondents.

As Mr. S.S. Dey, learned senior counsel, who has been appearing in the case for the petitioners is said to be unwell, let this matter be listed on 27.07.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

WP(C) No. 216/2012

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH, CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

13.07.2015

Mr. H.S. Thangkhiew, learned senior counsel, appears for the petitioner.

Mr. S.C Shyam, learned senior counsel, represents the respondents.

Mr. H.S. Thangkhiew, learned senior counsel, prays for and is granted 2 (two) weeks' time to prepare the case on the ground that he has been just engaged in the case very recently. List the matter on 27.07.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

MC(WA)No. 99 of 2014
IN WA No. _____ of 2015

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR. JUSTICE S.R. SEN

13.07.2015

Mr R Choudhury and Mr BK Deb Roy, learned counsel, appear for the applicant.

Mr SP Sharma, learned counsel, represents the respondent.

This misc. application (Misc. Application No. 99 of 2014) has been filed for condonation of delay in filing the writ appeal. Vide para 7, certain allegations have been made against learned senior Advocate Mr VK Jindal, as under :

> ***"7. That the humble petitioner and his family friends in a body selected Shri VK Jindal, Sr. Advocate, Shillong and the matter for appeal was handed over to him. Shri VK Jindal, Sr. Advocate kept the record for about 47 days and returned the same expressing inability on certain grounds which your humble applicant could not fulfil."***

Thus, Mr VK Jindal, learned senior Advocate while strongly denying the allegations has filed affidavit. Mr R Deb Nath, learned counsel has also filed the affidavit. Realizing the mistakes in drafting the application, Mr R Choudhury and Mr BK Deb Roy, learned Advocates, have filed affidavit tendering unconditional apology to the Court as well as to learned senior Advocate Mr VK Jindal and also to other Advocates against whom they made allegations. Para 1(i) and (ii) of the affidavit on reproduction would read as :

> ***"(i) That the lawyers on record in a team while representing their client and in drafting the pleadings ought not to have referred the name of any senior lawyer or any other lawyer, even though done innocently and deponent herein being one of the lawyer has already tendered unconditional and unqualified apology on 11.06.2015 in the open Court both to the senior Advocate and other Advocates about whom reference was made.***

> ***(ii) That the deponent herein tenders also unconditional apology unto the Majesty of the Hon'ble Court, praying for mercy and forgiveness."***

Mr Pranab Sikdar, Tax Practitioner, has also filed affidavit, wherein, he has denied the allegations that Mr VK Jindal, learned senior Advocate and Mr R Deb Nath, Advocate, were responsible for causing delay in filing the appeal. Para 8 of the affidavit reads as :

> ***" 8. That I believe, petition for condonation of delay has been prepared on misconstrued fact in an apparent effort to convince this Hon'ble Court justifying the reasons for delay. The names of Shri VK Jindal, Sr. Advocate and Shri R Deb Nath, Advocate as indicated to be responsible for delay in filing the appeal is not correct."***

And, lastly, now the affidavit of Mr R Choudhury, learned Advocate has also been filed. Vide paragraph 7 of the affidavit he has tendered unconditional apology before the Court and also to Mr VK Jindal, learned senior Advocate, Mr R Deb Nath and Mr BK Das, learned Advocates. Para 7 is also reproduced for ready reference as :

> ***"7. That I on behalf of myself and other lawyers representing the petitioner/appellant tendered unconditional apology before the Hon'ble Court as well as unto Sri VK Jindal, Sr. Advocate, Sri Rakhal Debnath and Shri BK Das."***

As the learned counsel who have drafted the Misc. Application No. 99 of 2014 have realized their mistakes and hence tendered their unconditional apology to the Court and also to Mr VK Jindal, learned senior Advocate, Mr R Deb Nath and Mr BK Das, learned Advocates, we give them a chance with a note of caution for future against repetition of this kind of professional conduct ever. Thus, the notice issued to learned Advocates on that count is discharged. List this matter for hearing on merits after two weeks on 27.07.2015.

JUDGE CHIEF JUSTICE

dev

MC[REVIEW PET.] No. 1/2015
In REVIEW PET. No. 20/2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH, CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

13.07.2015

Mr. BMR Chyne, learned counsel, appears for the applicant.

Mr. N.D. Chullai, learned senior GA, assisted by Mr. R. Gurung, learned GA, represents the State respondents.

Mr. VGK Kynta, learned senior counsel, assisted by Mr. R. Tariwal, learned counsel, represents respondents No. 7, 8 & 9.

Mr. S. Wahlang, learned counsel, states that he has been engaged and instructed by respondent No. 10, the present headman of the village to file appearance on his behalf. He wants to file vakalatnama during the course of day. Learned counsel also states that since there are serious allegations against the earlier Village Headman for misusing his Office, the present incumbent may be allowed to enter appearance. He also submits that the substitution application filed after the death of earlier headman is already pending, thus, this Court may decide it for the purpose of impleading the present headman. However there is a strong opposition from the side of respondents to application for substitution being allowed; particularly on the ground of locus standi of present headman and allegation of collusion with the petitioner.

On due consideration of rival submissions, we find that learned counsel for the present headman has not made any submission to help or criticize either of the parties, and has only sought substitution of name in place of earlier headman. We thus allow the substitution application and direct learned counsel for the applicant to serve a copy of the paper book on learned counsel for respondent No. 10. List the matter on 27.07.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

MC[REVIEW PET.] No. 2/2015
In MC (REV.) No. 1/2015

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH, CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

13.07.2015

Mr. BMR Chyne, learned counsel, appears for the applicant.

Mr. N.D. Chullai, learned senior GA, assisted by Mr. R. Gurung, learned GA, represents the State respondents.

Mr. VGK Kynta, learned senior counsel, represents respondents No. 7, 8 & 9.

In view of the order passed today in MC [REVIEW PET.] No. 1/2015] this Misc. case stands disposed of.

JUDGE **CHIEF JUSTICE**

Sylvana