MC (WA) No. 88 of 2014
IN WA No. 32 of 2011

BEFORE

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

20.04.2015

Mr N Mozika, learned counsel, appears for the applicants.

Mr K Paul, learned counsel, represents the respondent.

Learned counsel for respondent prays for and is granted further one week's time on the ground that he is indisposed today. List on 27.04.2015.

JUDGE CHIEF JUSTICE

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WP(C)(Taken up) No. 340 of 2014

BEFORE

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

20.04.2015

No one appears for the petitioner.

Mr SP Mahanta, learned senior counsel, assisted by Mr H Abraham, learned counsel, appears for the respondents-Cantonment Board.

Towards out last order, an affidavit has been sworn and filed by Ms L Hrahsel, Chief Executive Officer, Shillong Cantonment Board. Along with affidavit, she has annexed the details of 23 cases which are said to be pending in various Courts in District Shillong. Out of 23 cases, six relate to encroachment, whereas as many as 17 cases pertain to unauthorized construction on public premises, the lands belonging to Ministry of Defence, Government of India. The list of such cases as provided in the affidavit is as follows :

"ANNEXURE – 1

**STATUS REPORT OF PENDING CASES WITH RESPECT TO ENCROACHMENT**

| Sl. No. | Name of Court | Case No. | Name of Parties | Status | Encroachment |
|---|---|---|---|---|---|
| 1. | District Judge, Shillong | MCA No. 2(H)2014 under (PPE Act) | Barba Sohtun vs. Cant. Board | Pending for hearing (Action could not be taken as per order dated 23.6.2014 under Section 5(1) of PPE Act due to stay order dated 28.11.14 passed in Misc. Case 24(T) 2014 in TS 55(T) 2014 by the Court of Smti KMLO Nongbri, Asst. to DC, Shillong and status quo order dated 22.7.14 passed in WP(C)No.227 of 2014 which is also related to this case as the land is covered by same survey) | Encroachment in Survey No.135/27 & 135/1 (Part) |

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| 2. | Addl. District Judge, Shillong | FAO No.10(H) 2014 under (PPE Act) | Abida Khatoon vs. Cant. Board | Pending for hearing (Action could not de taken as per order dt. 29.9.14 under Section 5(1) of PPE Act due to stay order dated 13.10.14 and presently there is no Additional District Judge, Shillong) | Encroachment in Survey No. 15/87 (Part) |
| 3. | Smti. K.M. L. Nongbri, Asstt. To D.C., Shillong. | T.S. 11 (T) 2014 Misc. Case 24 (T) 2014 Misc. Case 108 (T) 2014 | Ranki Dkhar-V-Cantt. Board | Pending for Written Statement & Show cause by others (Action could not be taken as per order dt. 23.6.14 under section 5 (!) of PPE Act due to status quo order dated 22.7.14 passed in W.P. (C) No. 227 of 2014) | Encroachment in Survey No. 135/27 & 135/1(Part) |
| 4. | Smti. K.M. L. Nongbri, Asstt. To D.C., Shillong. | T.S. 55(T) 2014<br>Misc. Case 24(T)2014 | Babra Sohtun -V-Cantt. Board | Pending for Written Statement & Show Cause (Action could not be taken as per order dt. 23.6.2014 under section 5(1) of PPE Act due to stay order dated 28.11.14) | Encroachment in Survey No. 135/27 & 135/1(Part) |
| 5. | Munsiff, Shillong. | T.S. 16 (H) 1992 | Laljhari Devi -V-Cantt. Board. | (Pending for final hearing (Action could not be taken as per order dt. 25.6.98 under section 5(1) of PPE Act due to Status Quo order Dt. 5.10.1995 passed in Civil Revision No. 26 (SH) of 1995) | Encroachment in Survey No. 135/43 (Part) |
| 6. | Munsiff, Shillong. | T.S. 14(H) 2002 | B.K. Gupta -V- Cantt. Board | Pending for final hearing (Action could not be taken as per order dt. 7.11.94 u/s 5(1) of PPE Act due to Stay Order Dt. 19.8.2002 passed in Misc. Case No. 10(H) 2002) | Encroachment in Survey No. 135/2 (Part) |
| 7. | Munsiff, Shillong | T.S. 33 (H) 2006 | T.G. Lama -V- Cantt. Board | Case fixed for cross of Plaintiff Witness | Unauthorized construction in Holding No. 20JB |
| 8. | Munsiff, Shillong | T.S. 34 (H) 2002 | J.N. Bawri -V- Cantt. Board | Fixed for cross of further Plaintiff Witness | Unauthorized construction in Holding No. 60 |

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| | | | | | ACB & 60CB |
| 9. | Munsiff, Shillong | T.S. No. 12 (H) 2000 with Misc. Case No. 18(H) 13 and Misc. Case No. 18 (H) 14 | Pawan Kr. Bawri -V- Cantt. Board | Pending Restoration and hearing | Unauthorized construction in Holding No. 60 ACB & 60CB |
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| 10 | Munsiff, Shillong | T.S. No. 4(H) 2014 with Misc. Case No. 8(H) 14 | Habibun Nessa -V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 59CB |
| 11 | Munsiff, Shillong | T.S. No. 5(H) 2014 with Misc. Case No. 9(H) 14 | Smti. Sairun Nessa -V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 59CB |
| 12 | Munsiff, Shillong | T.S. No. 7(H) 2014 with Misc. Case 11(H) 14 | Kailash Ch. Sharma - V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 13CB |
| 13 | Asstt. District Judge, Shillong. | T.S. No. 8 (H) 2006 | Ali Ahmed -V- Cantt. Board | Pending Judgment | Unauthorized construction in Holding No. 7JB |
| 14 | Asstt. District Judge, Shillong | T.S. No. 9(H) 2006 | Md. Taiyab -V- Cantt. Board | Pending Judgment | Unauthorized construction in Holding No. 71JB |
| 15 | Asstt. District Judge, Shillong | T.S. No. 6 (H) 2006 | Md. Abrar -V- Cantt. Board | Pending Judgment | Unauthorized construction in Holding No. 70JB |
| 16 | Court of Asstt. District Judge, Shillong | T.S. No. 10(H) 2006 | Sohail Ahmed -V- Cantt. Board | Pending Judgment | Unauthorized construction in Holding No. 71JB |
| 17 | Asstt. District Judge, Shillong | T.S. No. 11 (H) 2006 | Amma Khatoon - V- Cantt. Board | Pending Judgment | Unauthorized construction in Holding No. 59CB |
| 18 | Asstt. District Judge, Shillong | T.S. No. 7(H) 2006 | Md. Mustaqeen -V- Cantt. Board | Pending final hearing | Unauthorized construction in Holding No. 39JB |
| 19 | Asstt. District Judge, Shillong | T.S. No. 27(H) 2013 with Misc. Case No. 82(H) 13 | Sitimon Sawian -V- Cantt. Board | Pending for suggested issued and hearing | Unauthorized construction in Holding No. 26A Bungalow |
| 20 | Asstt. District Judge, Shillong | T.S. No. 20(H) 2014 with Misc. Case No. 51(H) 14 | Surendra Chokhani - V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 50CB |

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| 21 | Asstt. District Judge, Shillong | T.S. No. 21 (H) 2014 with Misc. Case No. 52 (H) 14 | Yangchen Dolkar -V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 20JB |
| 22. | Asstt. District Judge, Shillong | T.S. No. 22(H) 2014 with Misc. Case No. 53 (H) 14 | Norzin Wangmo -V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 20JB |
| 23. | Asstt. District Judge, Shillong | T.S. No. 23(H) 2014 with Misc. Case No. 54 (H) 14 | Sona Devi -V- Cantt. Board | Pending preliminary hearing on maintainability | Unauthorized construction in Holding No. 17JB |

We are surprised as to how under the nose of Defence establishments such constructions were allowed to be raised. Over and above, litigations have remained pending in the Courts in Shillong for the past quite some time and as a result, the alleged illegal occupants have continued on such lands. In that view of the matter, we direct the District Judge, Shillong as well as all the Judicial Officers before whom the aforesaid cases, as contained in the list, are pending, to dispose them off within a period of eight weeks from the date of receiving this order. The Registrar General shall ensure the service of copy of this order forthwith by a Special Messenger.

List on 15.06.2015.

JUDGE CHIEF JUSTICE

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PIL. No. 6 of 2013

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

**20-04-2015**

Mr. SP Das, petitioner in person is present.

Mr. SC Shyam. Sr. Advocate, represents respondent Nos. 3 and 11.

Mr. ND Chullai, Sr. GA, is for respondent Nos. 5 to 7.

Ms. R. Dutta, Advocate, represents respondent No. 8.

Mr. A. Baruah, Advocate, is for respondent No. 9.

Mr. P.Nongbri, Advocate, has put in appearance for respondent No. 12.

Mr. L.Darlong, Advocate, is the counsel for respondent Nos. 10 and 13.

As Ministry of Communication and Department of Telecommunication have not entered appearance despite service of notice, let a fresh notice issue to Secretary, Ministry of Communication, Govt. of India; Director Telecom, Department of Telecommunication; and Controller of Telecommunication, to ensure appearance on the next date of hearing failing which the matter may proceed ex-parte and no further opportunity would be granted to file reply etc.

List on 06-05-2015.

**JUDGE** **CHIEF JUSTICE**

S.Rynjah

WA. No. 11 of 2015

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

**20-04-2015**

Mr. A.K.Bhattacharya, learned Sr. counsel, appears for the appellant.

Mr. H.L.Shangreiso, learned counsel, represents the respondent.

On joint request for adjournment, let this matter be listed on 06-05-2015.

**JUDGE** **CHIEF JUSTICE**

S.Rynjah

WP(C) No. 126 of 2013
WP(C) No. 16 of 2013
WP(C) No. 369 of 2014

BEFORE

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

20.04.2015

Mr D Senapati, and Mr K Ch. Gautam, learned counsel, appear for the petitioner in WP(C)No. 126 of 2013 and WP(C)No. 369 of 2014 respectively.

Mr SC Shyam, learned senior counsel, represents the respondents.

Learned counsel for the petitioner Mr K Ch Gautam, makes a mention on behalf of one Shri Pankaj Ghiya, learned counsel from Jaipur for adjournment on the ground that the latter who has been engaged to argue the matter, due to some personal difficulty, is not able to appear today. Mr D Senapati, learned counsel appearing for petitioner in rest two matters states that he would be available only on 29.04.2015. Thus, let this bunch of matters be listed on 29.04.2015.

JUDGE CHIEF JUSTICE

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