WA No. 43 of 2013
IN WP(C)No. 174 of 2013

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

28.04.2015

Ms R Paul, learned counsel, appears for the appellant.

Mr KS Kynjing, learned Advocate General, represents the respondents.

Learned counsel for parties pray for and are granted further one week's time to assist the Court on the questions as raised in the earlier order. List on 06.05.2015.

JUDGE CHIEF JUSTICE

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WA No. 49 of 2013
IN WP(C)No. 175 of 2013

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

28.04.2015

Ms R Paul, learned counsel, appears for the appellant.

Mr KS Kynjing, learned Advocate General, represents the respondents.

Learned counsel for parties pray for and are granted further one week's time to assist the Court on the questions as raised in the earlier order. List on 06.05.2015.

JUDGE CHIEF JUSTICE

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CRL.A No. 1/2014

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

28.04.2015

Mr. MF Qureshi, learned counsel, appears for the appellants.

Mr. R. Deb Nath, learned CGC, represents the respondents.

Let this matter be listed with CRL.A. No. 3/2011 on 29.04.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

CRL.A No. 3/2011

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

28.04.2015

Mr. R. Deb Nath, learned CGC, appears for the appellants.

Mr. SP Mahanta, learned senior counsel, represents the respondents.

The matter to remain part heard. List on 29.04.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

CRL.A No. 3/2014

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

28.04.2015

Mr. B. Bhattacharjee, learned counsel, appears for the appellant.

Mr. R. Gurung, learned GA, represents the State respondents.

Learned Amicus Curiae tried to argue the matter and thus read out the impugned judgment at some length. Now it is 1:00 p.m., list on 12.05.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

CRL.A No. 2/2014

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

28.04.2015

Mr. MF Qureshi, learned counsel, appears for the appellants.

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

We have heard learned counsel for parties and perused the pleadings. It appears that plea of juvenility had been taken earlier on behalf of the accused person even at the stage of trial but that did not find favour with the Trial Court . It was thus challenged before the High Court, but the order was affirmed. Thereafter, there had been remand of the case for a fresh and thus the fresh trial was conducted. Besides, the Juvenile Justice (Care and Protection of Children) Rules, 2007 was also framed to facilitate and effectively enforce the Juvenile Justice (Care and Protection of Children) Act, 2000. In case, no inquiry could be held or become possible in terms of Rule 12 of the 2007 Rules and such provision was non-existent in the earlier Rules for determination of the age, in that case, for reopening the issue again at this stage, the parties may require the inspection of Trial Court's records. We thus, grant them liberty to apply and inspect the records in the Registry.

List the matter on 12.05.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

WP(C) No. 39/2015

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

28.04.2015

Mr. N. Dasgupta, learned counsel, appears for the petitioner.

Mr. R. R. Deb Nath, learned CGC, represents the respondents.

Learned counsel for Union of India, Shri. R. Deb Nath prays for and is granted a week's time to file affidavit-in-opposition.

List the matter on 05.05.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

WP(C) No. 203/2012

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

28.04.2015

Ms. S. Dutta, learned counsel, appears for the petitioner.

Mr. B. Bhattacharjee, learned counsel, represents the respondents.

Learned counsel for parties state that there are other connected matters namely, WP(C) No. 9/2015, WP(C) No. 16/2014 and WP(C) No. 17/2014. Thus, let this matter be listed on 14.05.2015 therein.

JUDGE **CHIEF JUSTICE**

Sylvana

WP(C) No. 245/2013

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

28.04.2015

Mr. M. Chanda, learned counsel, appears for the petitioner.

Mr. R. Deb Nath, learned CGC, represents the respondents.

Shri. R. Deb Nath, learned CGC states that the last order had already been intimated to the department, but so far no instructions have been received about the outcome thereof. He thus prays for and is granted further 2 (two) weeks' time to seek instructions.

List the matter on 13.05.2015.

JUDGE **CHIEF JUSTICE**

Sylvana

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

28.04.2015

Mrs BS Goyal, learned counsel, appears for the appellants.

Mr HS Thangkhiew, learned senior counsel, assisted by Mr L Khyriem, learned counsel, represents the respondents.

Learned counsel for the appellants Mrs BS Goyal submitted that being aggrieved by the order dated 07.01.2010, passed by Executive Committee, Jaintia Hills Autonomous District Council, Jowai, the appellants had filed WP(C)No. 8(SH) 2010 before the Shillong Bench of Gauhati High Court. Learned single Judge, Gauhati High Court having found the writ petition being devoid of merit dismissed the same. The point tried to be raised before this Court is that once the Executive Committee issued the certificate of registration of appellants' forest, it ceased to have power to exercise jurisdiction in respect of the registration as also other affairs of the forest. Mrs Goyal took us to provisions of United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Acts, 1958, and referred to the provisions of Section 2(e) & (f) which contain the definition of Executive Committee and Forest. The said clause is reproduced hereunder :

> ***"2 (e) "Executive Committee" means the Executive Committee of the District Council of the United Khasi-Jaintia Hills Autonomous District, and the terms "Chief Executive Member" and Member of the Executive Committee" shall be constructed accordingly;***
> ***(f) "Forest" means and shall be deemed to be a forest, if in the area there are reasonable numbers***

> ***of trees, say not less than twenty five trees per acre reserved or unreserved or any other forest produce growing on such area, which have been or are capable of being exploited for purposes of business or trade."***

Thereafter, Mrs Goyal also referred to Section 3 regarding the "Classification of Forest" and according to her, the forest in question belonging to appellants is covered under Section 3 (iii) of this Act. That provision reads as :

> ***"3(iii) Law adong and Law Shnong :- These are village forests hither to reserved by the villager themselves for conserving water etc.; for the use of the village and managed by the Sirdar or headman with the help of the village Durbar."***

Mrs Goyal also read out Section 4(c) to argue that though the Executive Committee may frame rules from time to time but the forest in question has to be managed by Sirdar and Headman in accordance with the Customary practice in vogue. Thereafter, learned counsel tried to argue on the basis of provision of Section 2(ii) containing definition of "Forest" of the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Rules 1960. According to her, the definition of Forest is the same as provided in the Act. Now coming to Chapter 1 of the Rules relating to Registration of Forest, learned counsel submitted that the procedure prescribed under this Chapter would apply in toto, also in the case of forest in question. But, Rule 11 thereof would specifically apply in the case of forest owned by the appellants. Rule 11 is extracted as given below :

> ***" 11. The above rules shall apply mutatis mutandis for registration of Law Lyngdoh, Law Kyntang, Law Niam, Law Adong and Law Shnong and, in each case, the persons in-charge of management of such forests shall be called upon***

to furnish the necessary information in respect thereof."

At this stage, when we wanted to know the response of the Executive Committee of the Autonomous District Council, we find none present on their behalf. However, Mr HS Thangkhiew, learned senior counsel, who appeared before learned single Judge in writ petitions wherefrom two connected appeals, namely, WA No. 74 of 2014 and WA No. 76 of 2014 arise submits that since the Executive Committee of Autonomous District Council is a party in the case, upon a paper book being supplied to him, he can seek instructions.

List this bunch of matters on 14.05.2015.

JUDGE CHIEF JUSTICE

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