

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

28.05.2015

Mr Pradeep Rai and Mr N Syngkon, learned Amicus Curiae appear for the petitioner.

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

Mr GS Massar, learned senior counsel, has put in appearance for respondent No. 4.

Mr HS Thangkhiew, learned senior counsel, is for respondent No. 5.

Mr VGK Kynta, learned senior counsel, registers his appearance for respondents No. 6,7,8,10, 11 and 12.

Ms S Shreshtha, learned counsel, is the counsel for respondent No. 9.

Learned Advocate General appearing for the State, while arguing on the question of maintainability, states that in terms of Rules 17 and 19 of the Assam and Meghalaya Autonomous District Councils Rules, 1951, the Governor of Meghalaya is the final authority to decide this issue. However, Mr Pradeep Rai, learned Amicus Curiae informs that this matter of disqualification for holding dual posts/office through election and drawing separate salaries on both counts has remained pending for quite some time. The representation was submitted way back on 18.07.2014 to the office of Governor, but it has, some-how, failed to engage the attention of the functionary. In that view of the matter, we adjourn this case till 25.06.2015 and issue notice to the Secretary to

Hon'ble the Governor of Meghalaya for submitting status report in respect of the file.

Mr Pradeep Rai, learned Amicus Curiae, also states that he has prepared written submissions and prays for liberty to file the same in the court today. He may do so upon supplying the copies thereof to learned counsel for the respondents. List the matter on 25.06.2015.

JUDGE

CHIEF JUSTICE

dev

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

28.05.2015

Mr SP Das, Advocate/petitioner is present in person.

Mr SC Shyam, Senior Advocate, present for respondents No. 1 to 4.

Ms NG Shylla, learned GA, present for respondents No. 5 to 7.

Mr K Paul, learned Advocate, present for respondent No. 8.

Mr A Baruah, learned Advocate, present for respondent No. 9.

Mr R Jha, learned Advocate, present for respondents No. 10 to 13.

The petitioner in person states that he is not feeling well today and thus prays for two weeks' time to argue the matter. List on 11.06.2015.

JUDGE

CHIEF JUSTICE

dev

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

28.05.2015

Mr N Mozika, learned CGC, appears for the appellants.

Mr R Jha, learned counsel, represents the respondent.

Learned counsel for the Union of India states that he is not ready with the brief to argue the matter. Thus, on his request, the matter is adjourned to 11.06.2015.

JUDGE

CHIEF JUSTICE

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

28.05.2015

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

Mr. N.D. Chullai, learned senior GA, assisted by Mr. S. Sen Gupta, learned GA, represents the respondents.

Learned senior Govt. Advocate, Mr. N.D. Chullai, states that the affidavit has already been filed in pursuance of order dated 13.05.2015. Learned counsel for the appellant, however, prays for and is granted 2 (two) weeks' time to prepare and argue the case.

List on 11.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

MC (WA) No. 41/2015
With MC (WA) No. 42/2015
MC (WA) No. 43/2015
In WA No. 2/2015

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

28.05.2015

Mr. GS Massar, learned Sr. counsel, assisted by Mr. L.S. Darnei, learned counsel appears for the applicants.

Mr. K.S. Kynjing, learned AG, assisted by Mr. S. Sen Gupta, learned GA, represents the State respondents.

Mr. VGK Kynta, learned Sr. counsel, represents respondents No. 5, 6 and 7.

These Misc. Applications are filed for impleadment of respondents in W.A. No. 2/2015. On due consideration, the applications for impleadment are allowed as there is no objection from any of the parties to the prayers in applications for impleadment being granted.

Thus, these Misc. Applications (No. 41/2015, No. 42/2015 and No. 43/2015) are allowed and disposed of.

JUDGE

CHIEF JUSTICE

Sylvana

W.P. (Crl) No. 15/2014
With W.P. (Crl) No. 16/2014
W.P. (Crl) No. 13/2014
W.P. (Crl) No. 9/2014
W.P. (Crl) No. 12/2014
W.P. (Crl) No. 17/2014
W.A. No. 22/2014

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

28.05.2015

Mr. S.P. Mahanta, learned senior counsel, appears for the appellant.

Mr. K.S. Kynjing, learned Advocate General, represents the State respondents.

Learned counsel for parties pray for and are granted a week's time to place on record the judgment of Hon'ble the Apex Court rendered in the case of Champion Sangma Vs. State of Meghalaya. List thereafter, on 04.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

WA No. 12/2014
In WP(C) No. 284/2012

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

28.05.2015

Mr. K. Paul, learned CGC, represents the respondents.

Mr. R. Jha, learned counsel, appearing for the appellant, is said to be still in the process of recovery from the accident he has suffered in the past. Let the matter be listed on 11.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

WP(C) No. 213/2014

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

28.05.2015

Ms. N. Gurung, learned counsel, appears for the petitioner.

Mr. K.S. Kynjing, learned Advocate General assisted by Mr.

S.Sen Gupta, learned GA, represents the respondents.

As Mr. S. Dey, learned counsel, is in personal difficulty today, list the matter on 04.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

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

28.05.2015

We have heard learned Amicus Curiae, Mr. P. Rai and Mr. A.K. Singh and Mr. K.S. Kynjing, learned Advocate General, assisted by Mr. S. Sen Gupta, learned GA, on behalf of the State.

Looking to the dismal status of compliance of past orders, inasmuch as even the Xerox machines which are said to have been sanctioned and ordered for purchase vide the affidavit dated 16.10.2014 sworn in by Shri. L.M. Sangma, Law Secretary, have not been supplied to the District Courts, it is suggested by the learned Amicus Curiae, Shri Pradeep Rai and Shri AK Singh, Advocates, that for expeditious compliance of Court's orders and to sort out the infrastructural problems being faced by the Courts, it would be more appropriate to constitute a Committee under the Chairmanship of Learned Advocate General, to act as the nodal agency/bridge between the Hon'ble High Court and the State Government. The Committee can be asked to identify the requirements of infrastructure, etc., of each district and impress upon the government to meet such requirements early and timely in terms of the orders of Hon'ble the Apex Court and also this Hon'ble Court passed from time to time in this writ petition. Thus, as per consensus, we constitute a Committee to be headed by Mr. K.S. Kynjing, learned Advocate General, which shall in addition to Mr KS Kynjing comprise of three other members, namely, Mr. K.S. Kropha, Additional Chief Secretary, Mr. L.M. Sangma, Law Secretary, Govt. of Meghalaya and Mr. Albert. Lanong, Joint Registrar-cum-OSD to the Chief Justice. The Committee shall hold its first meeting on 03.06.2015 and thereafter, can sit according to the convenience of its members subject to

holding minimum 2(two) meetings in a month. Mr. Albert Lanong, shall act as Secretary to the Committee and file all affidavits of compliance of orders from time to time.

Written argument(s) prepared by learned Amicus Curiae which is said to have been submitted in the Court is taken on record. The Registry shall furnish the copy of written argument(s) separately to the Committee as well as to learned District and Sessions Judges for response.

List the matter on 25.06.2015.

JUDGE

JUDGE

CHIEF JUSTICE

Sylvana

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

28.05.2015

Mr. V.K. Jindal, learned senior counsel, appears for the petitioner.

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

Mr. R. Deb Nath, learned CGC, states that learned Assistant Solicitor General of India who has been instructed to argue the matter is in personal difficulty. Thus, on a request as such, list the matter on 09.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

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

28.05.2015

Mr. V.K. Jindal, learned senior counsel, appears for the petitioner.

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

Mr. R. Deb Nath, learned CGC, states that learned Assistant Solicitor General of India who has been instructed to argue the matter is in personal difficulty. On a request made on behalf of Assistant Solicitor General, list the matter on 09.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

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

28.05.2015

Mr. R. Kar, learned counsel, appears for the appellants.

Mr. N.D. Chullai, learned senior GA, represents the respondents.

Mr. R. Kar, learned counsel, prays for and is granted further 2 (two) weeks' time to prepare a note in terms of the last order. List on 11.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana

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

28.05.2015

Mr. GS Massar, learned Sr. counsel, assisted by Mr. L.S. Darnei, learned counsel appears for the appellants.

Mr. K.S. Kynjing, learned AG, assisted by Mr. S. Sen Gupta, learned GA, represents the State respondents.

Mr. VGK Kynta, learned Sr. counsel, represents respondents No. 5, 6 and 7.

In view of the order passed today in MC (WA) No. 41/2015, MC (WA) No. 42/2015 and MC (WA) No. 43/2015, the applicants be arrayed as respondents in this writ appeal. The newly impleaded respondents shall file affidavit before the next date of hearing.

Registry shall carry out the amendments by arranging the newly impleaded applicants as respondents at appropriate places.

List the matter on 11.06.2015.

JUDGE

CHIEF JUSTICE

Sylvana