BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 11 of 2013

30.01.2014

As prayed for by the petitioner's counsel, list this matter tomorrow i.e. 31.01.2014.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 21 of 2013
WITH CRP. No. 12 of 2013

30.01.2014

Heard Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner who submits that inspite of the stay granted by this court vide order dated 08.04.2013 against the impugned order dated 18.10.2012 passed by the learned ADM(J), Tura, the contempt respondent entered the suit premises forcibly with the help of the police and erected certain structure on the suit premises. Thereafter, an FIR was lodged which was registered till date.

Also heard Mr. R. Debnath, learned counsel for contempt respondent.

The Superintendent of Police, West Garo Hills, Tura is directed to examine the matter in the light of this order and to submit the details of the report about the exact position within 15(fifteen) days.

Registry is directed to communicate this order to the Superintendent of Police, West Garo Hills, Tura immediately.

In the meantime, it is further ordered that the interim order passed by this court vide order dated 08.04.2013 shall continue till the next date.

List this matter after 15(fifteen) days.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 1 of 2014
WITH MC(CRP) No. 1 of 2014

30.01.2014

Heard Mr. B. Bhattacharjee, learned counsel appearing for and on behalf of the petitioner who submits that, vide judgment and order dated 28.11.2013 in CRP. No. 43 of 2013 this court remanded the matter to the Judge, District Council Court, Jowai, and also further directed that both the parties to maintain their possession as on 28.11.2013. However, the learned Judge, District Council Court, Jowai, passed the impugned order dated 17.12.2013 restraining the petitioner/respondent not to enter the suit land and to carry any activities pending disposal of the instant application. So, the learned counsels argued that the impugned order dated 17.12.2013 is contrary to the judgment and order dated 28.11.2013.

I have perused the police report as called for. After perusal of the impugned order, it appears that the Judge, District Council Court, Jowai has restrained the petitioner/respondent to enter the suit land or to carry any activities during the pendency of the application filed by the respondent/petitioner.

After perusal of the previous order passed by this court and the impugned order, I find that the impugned order in question is not in conformity with the order passed by this court.

In my judgment and order dated 28.11.2013 in CRP. No. 43 of 2013, I have directed both the parties to maintain their possession as on 28.11.2013. I have not passed any order that the Judge, District Council Court, Jowai to restrain any party. However, if there is any encroachment, the Judge, District Council Court, Jowai is at liberty to take appropriate steps to prevent such encroachment by any parties, but I have made it clear that since the matter is pending before the District Council Court, Jowai for final disposal, the Judge, District Council Court, Jowai should not restrain any party to enjoy their respective possession as on 28.11.2013. I have also directed both the parties to maintain their

respective possession as on 28.11.2013 strictly, and not to make any endeavor for encroachment. I also requested the learned counsel for both the parties to advise their client to adhere the court's order strictly.

With this observation and direction, the impugned order dated 17.12.2013 is hereby set aside.

The Revision Petition is allowed and stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 56 of 2013

30.01.2014

Heard Mr. H.S. Thangkhiew, learned Sr. counsel assisted by Mr. N. Mozika, learned counsel appearing for and on behalf of the respondents as well as Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner.

After hearing the submissions advanced by the learned counsel, I am of the considered view that this is a fit case where the matter needs to be referred to a mediator to settle the dispute between the parties amicably, since the subject matter of the dispute involved here between the father, son and mother.

The learned counsel for both the parties suggested the names of Mr. T. Blah (Retd. IAS) and Mr. H.W.T. Syiem (Retd. Chief Secretary, Government of Meghalaya). Considering the suggestions advanced by the learned counsel, accordingly, Mr. T. Blah and Mr. H.W.T. Syiem are hereby appointed as mediators. They are requested to make their best effort to reduce the differences between the parties and to save a family.

In the meantime, it is also directed that all court proceedings be kept in abeyance till a mediator arrives in their decision. Parties to bear expenses for mediation including honorarium to the mediators in consultation with their respective lawyers. Place of mediation will be the Office of the Meghalaya Legal Aid Services Authority, Addl. Secretariat, Shillong or any other place choose by the parties concerned in consultation with the mediators.

Registry is directed to communicate this order to all concerned including Member Secretary, Meghalaya Legal Aid Services Authority, Addl. Secretariat, Shillong.

Mediation process to complete within 2(two) months.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 59 of 2013

30.01.2014

Heard Mr. H.S. Thangkhiew, learned Sr. counsel assisted by Mr. N. Mozika, learned counsel appearing for and on behalf of the respondents as well as Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner.

After hearing the submissions advanced by the learned counsel, I am of the considered view that this is a fit case where the matter needs to be referred to a mediator to settle the dispute between the parties amicably, since the subject matter of the dispute involved here between the father, son and mother.

The learned counsel for both the parties suggested the names of Mr. T. Blah (Retd. IAS) and Mr. H.W.T. Syiem (Retd. Chief Secretary, Government of Meghalaya). Considering the suggestions advanced by the learned counsel, accordingly, Mr. T. Blah and Mr. H.W.T. Syiem are hereby appointed as mediators. They are requested to make their best effort to reduce the differences between the parties and to save a family.

In the meantime, it is also directed that all court proceedings be kept in abeyance till a mediator arrives in their decision. Parties to bear expenses for mediation including honorarium to the mediators in consultation with their respective lawyers. Place of mediation will be the Office of the Meghalaya Legal Aid Services Authority, Addl. Secretariat, Shillong or any other place choose by the parties concerned in consultation with the mediators.

Registry is directed to communicate this order to all concerned including Member Secretary, Meghalaya Legal Aid Services Authority, Addl. Secretariat, Shillong.

Mediation process to complete within 2(two) months.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 61 of 2013

30.01.2014

Heard Mr. Thompson, learned counsel for the petitioner.

It appears that certain report has not been received.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC(CRP) No. 1 of 2014

30.01.2014

In the light of the order passed in ***CRP. No. 1 of 2014*** this instant Misc. Case stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 21 of 2011

30.01.2014

Heard Mr. S. Thapa, learned counsel for the petitioner who submits that he has been newly engaged, and needs 2(two) weeks' time to prepare the case.

Mr. S.P. Mahanta, learned counsel and Mr. R. Debnath, learned CGC is present.

List this matter after 2(two) weeks' for hearing.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 131 of 2010

30.01.2014

Heard Mr. S.D. Upadhya, learned counsel for the petitioner who submits that, he has filed the amended petition.

Furnish copies of the amended petition has also been received by the State counsel, Mr. M.F. Qureshi who is present.

Learned CGC, Mr. R. Debnath for respondent No. 7 is also present.

List this matter after 3(three) weeks' for hearing.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 213 of 2011

30.01.2014

Heard the learned counsel for both the parties.

Accordingly, list this matter on 18.02.2014.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 247 of 2009

30.01.2014

Heard both the learned counsel for the parties and prays that the matter may be fixed on the next date for hearing.

List this matter after 2(two) weeks' for hearing.

JUDGE

D. Nary