

Serial No. 25
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 69 of 2023

Date of Decision: 20.11.2023

Smti. Dista Hynniewta

Vs.

K.H.A.D. C & 3 Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner/Appellant(s) : Mr. D. Hynniewta, Adv.

For the Respondent(s) : Ms. C. Nongkhaw, Adv. vice
Mr. V.G.K. Kynta, Sr. Adv. (For R 1-3)
Mr. K.S. Kharshiing, Adv. with
Ms. M. Rani, Adv. (For R 4).

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Oral:

1. The petitioner had approached this Court by way of the instant writ petition against alleged discrimination, harassment and social boycott, which the petitioner and the family was said to be suffering

from, at the hands of the respondent No. 4, who is stated to be the Headman of Tyrsad Village, Umkseh, East Khasi Hills District. It appears that there is also a civil dispute between the parties i.e. the petitioner and the respondent No. 4, for which a title suit being T.S. No. 94 of 2022, along with a Misc. Case are pending adjudication. The present writ petition before this Court, when it was filed was only with regard to the said social boycott and discrimination.

2. The respondent No. 4 who thereafter, entered appearance has categorically stated in the affidavit that there has been no social boycott, discrimination or any threat of demolition of the house of the petitioner, and that the petitioner and the family are welcome to take part in all the social activities that are being held in the village. In the said affidavit instances have been narrated to show that the petitioner and the family have not been discriminated and have taken part in social events etc.

3. As the case progressed, the petitioner has brought to the notice of the Court that the ingress and egress to the suit property in question had been obstructed by the respondent No. 4, by the construction of a small shed. The same has also been refuted by the respondent, who has maintained that the construction of the shed was on the land of the Dorbar Shnong, and that the ingress and egress of the petitioner is not hampered in any manner.

4. Mr. D. Hynniewta, learned counsel for the petitioner has submitted that it is not a fact that the shed was constructed in the land of the Dorbar Shnong, and to buttress his arguments, has filed an affidavit bringing on record certain photographs, to show the lay of the land i.e. suit property and surrounding areas. To this, he therefore prays that appropriate orders be passed by this Court to ensure that the ingress and egress as enjoyed by the petitioner all along be restored.

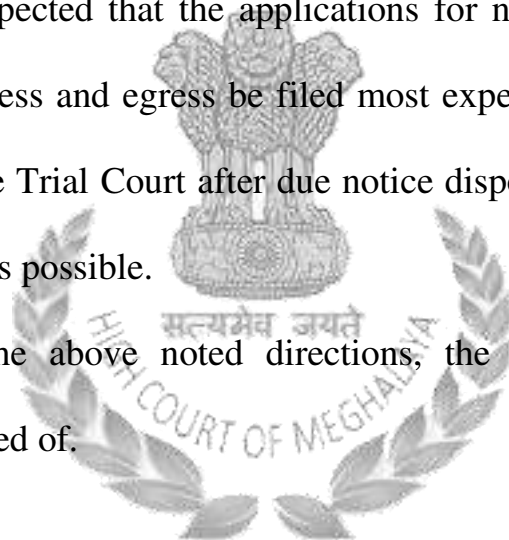
5. Mr. K.S. Kharshiing, learned counsel for the respondent No. 4 has strongly refuted the submissions and has also filed an affidavit bringing on record certain photographs, to counter the submissions and the materials produced by the writ petitioner. In this situation, this Court sitting in writ Article 227 jurisdiction is not in a position to adjudicate disputed questions of fact, which have been raised by both the parties. In this view of the matter, therefore as the title suit is still pending before the Trial Court, appropriate applications may be moved by the writ petitioner for necessary orders, which if the Trial Court deems fit may also order for a local inspection to be conducted.

6. Ms. C. Nongkhlaw, learned counsel is present on behalf of the respondents No. 1-3 and submits that she has no submissions, as the dispute is between the petitioner and the respondent No. 4.

7. As far as the main writ petition is concerned, as it has been submitted categorically that the writ petitioner and the family are not subjected to any harassment, this Court at this stage, accepts the submissions, but however, will hold the respondent No. 4 accountable to any untoward incident which may happen or any harassment or discrimination, in any manner, being meted out to the petitioner by the village

8. It is expected that the applications for necessary orders with regard to the ingress and egress be filed most expeditiously by the writ petitioner, and the Trial Court after due notice dispose of the same, also as expeditiously as possible.

9. With the above noted directions, the writ petition stands closed and disposed of.



Chief Justice (Acting)

Meghalaya
20.11.2023
"D.Thabab-PS"