

Serial No.08
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 115 of 2023

Date of Order :09.05.2023

Urban Shopping Complex Association Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. H.Abraham, Adv.
Mr. M.Lyngdoh, Adv.

For the Respondent(s) : Mr. B.Bhattacharjee, AAG with
Mr. A.H.Kharwanlang, Addl. Sr. GA
R 1 & 2
Mr. Philemon, Nongbri, Adv. for R 3.

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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

ORAL

1. Heard Mr. H.Abraham, learned counsel for the petitioner. Mr. B.Bhattacharjee, learned AAG assisted by Mr. A.H.Kharwanlang, learned Addl. Sr. GA is present on behalf of respondent Nos. 1 & 2 and

Mr. Philemon Nongbri, learned counsel is present on behalf of respondent No. 3.

2. The grievance of the petitioner who is stated to be the Urban Shopping Complex Association represented by its General Secretary is with regard to the enhancement in rent of the commercial properties which are owned and controlled by the respondent No. 3, and of which the members of the petitioners association are said to be under.

3. Mr. H.Abraham, learned counsel for the petitioner's only submission is that the quantum of increase is exorbitant which will affect the livelihood of the tenants in the shopping complex. Further submission is only that the members have been asked to deposit the security amount and for execution of fresh agreement by today i.e., 9th May, 2023.

4. Mr. B.Bhattacharjee, learned AAG appearing for the respondent Nos. 1 & 2 has raised objection with regard to the very basis and maintainability of the writ petition by contending that neither the persons affected have been indicated, nor the names of the members supplied, and writ interference is sought in a matter which is purely contractual in nature. He further submits that coupled with vague statements made in the petition, the same does not deserve any consideration and is liable to be dismissed.

5. Mr. Philemon Nongbri, learned counsel for respondent No. 3 apart from endorsing the submission made by learned AAG, submits that the submission made by the learned counsel for the petitioner that representation has been filed with regard to the increase of rent is factually incorrect. However, he submits that in the interest of justice, the petitioners association may perhaps be allowed a chance to represent before the respondent No. 3 for their consideration.

6. I have heard learned counsel for the parties. A bare perusal of the writ petition does not really reflect or support the points in issue, inasmuch as, none of the members are named, neither the people affected, size of holdings, and that too, in a matter which is within the realm of contractual dispute. Furthermore, it is noted that the sample agreement which has been annexed, has also since expired. The fact that no representation has been preferred also cannot be ignored.

7. However, as conceded by learned counsel for respondent No. 3, in the interest of justice, the petitioners association along with full details and impact that such enhancement will have on each individual, are allowed to file a representation before respondent No. 3 within a period of three days from today, which shall then be considered and disposed of within a week thereafter. It is understood that till the representation is

disposed of, the respondent No. 3 shall not take any coercive action against the petitioners.

8. Accordingly, matter stands closed and disposed of.

Judge

Meghalaya
09.05.2023
"Samantha PS"

