

Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 172 of 2019

Date of Decision: 13.04.2023

Smti Nargish T. Sangma Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. M.F. Qureshi, Adv.

For the Respondent(s) : Ms. R. Colney, GA (For R 1-5)
Mr. D. Hynniewta, Adv. (For R 6&7)

i)	Whether approved for reporting in Law journals etc:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioner is before this Court by way of the instant writ application complaining that the respondent No. 6, i.e. the Secretary, Village Employment Council of Tosildarpara has misused the funds of the Scheme under the Mahatma Gandhi National Rural

Employment Guarantee Scheme (MGNREGS) for implementation of developmental works.

2. The petitioner it appears had also filed an application dated 12.10.2018 under the Right to Information Act, 2005 to obtain information about the work order issued and the amount sanctioned as well as its utilized.

3. From the pleadings, it appears that the information was supplied to the writ petitioner and also there were incidental proceedings which involves a private dispute with the respondent No. 6 and 7, wherein criminal cases have been filed against each other.

4. Mr. M.F. Qureshi, learned counsel for the petitioner at this stage submits that as the project concerns the year 2018-19, he may be permitted to file a representation before the respondent No. 4, to obtain necessary information with regard to the utilization of the funds.

5. Ms. R. Colney, learned counsel for the respondents Nos. 1 to 5 submits that the work has since been completed, and furthermore no materials have been placed by the writ petitioner to substantiate his allegations. It is further submitted by the learned GA that in the affidavit itself at Para-12, it has been stated that verification has been done and the enquiry report has also been submitted, which shows that the works were executed as per the estimate.

6. Mr. D. Hynniewta, learned counsel for the respondents Nos. 6 and 7 submits that he has no submission to make.

7. Heard the learned counsels for the parties and examined the materials on record.

8. A perusal of the prayer in the writ petition itself shows that the petitioner is seeking directions to take action against the respondent No. 6, if the funds sanctioned is misused, and further to quash the FIR filed against the petitioner by the respondent No. 7.

9. A further perusal of the statements made in the writ petition does not disclose any concrete materials that has been brought before this Court, to support the submissions of the learned counsel with regard to the misuse of funds as alleged. Further, the prayer is also based on contingent issues, which also includes a prayer to quash the FIR, so it does not deserve consideration

10. Therefore, there being no merit in the writ petition, the same is accordingly dismissed.

JUDGE

Meghalaya
13.04.2023
"V. Lyndem-PS"