

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WA) No. 15 of 2023
In WA No. 18 of 2023

Date of order: 19.06.2023

Dehila D. Sangma vs The State of Meghalaya & anr

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

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

Appearance:

For the Appellant : Mr A.S. Siddiqui, Sr Adv. with
Mr A.G. Momin, Adv.

For the Respondents : Mr S. Sengupta, Addl Sr GA with
Ms S. Laloo, Adv.

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

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

The delay of about 254 days in preferring the appeal is condoned in view of the good grounds shown.

2. However, it appears that this appellant is given to making claims after an inordinate delay. Indeed, the writ petition carried before the Single Bench was dismissed on the grounds indicated at paragraph 25 of the impugned judgment and order of September 2, 2022:

“25. The above has clearly illustrated the concept of delay and laches and in the case of the petitioner, even though, she has first approached the forum below after a gap of about 27 (twenty-seven) years and on failure to get a response, has approached this Court,

this Court is of the considered opinion that because of the inordinate delay and laches, the forum below has rightly rejected to respond to the said application. By extension, this Court would deem it proper to consider and take it that the petitioner is guilty of approaching the proper forum, including this Court at a very belated stage.”

3. On facts, the court found, inter alia, at paragraph 20 of the impugned judgment, that the predecessor-in-interest of the writ petitioner was present during the survey of the land on March 19, 1984 and appended his signature along with 16 others. The total amount of land that was surveyed was shown as 5803 bighas, though the land of the predecessor-in-interest was slightly over 1618 bighas.

4. The appellant seeks to claim that the appellant is not aggrieved by the original acquisition or the quantum of compensation paid therefor. The appellant seeks to make out that subsequent to the original acquisition, the State has taken possession of excess land and a survey conducted at the behest of the appellant has established the same.

5. Since the original acquisition was in 1984 and the appellant claims that the subsequent acquisition may have been in 2002 or 2003, even if the appellant’s statement is accepted, there would be gross delay on the part of the appellant to approach the Court.

6. The trial court has referred to several judgments relevant to the context, particularly of the Supreme Court that instruct that delay and

laches should not be lightly brushed aside even though the law of limitation may not strictly apply to the writ court.

7. Considering the reasons furnished in the order impugned and the gross delay and laches on the part of the appellant to approach the authorities and the Court under Article 226 of the Constitution, there does not appear to be any merit in the original claim and no reason to interfere with the order and judgment impugned dated September 2, 2022.

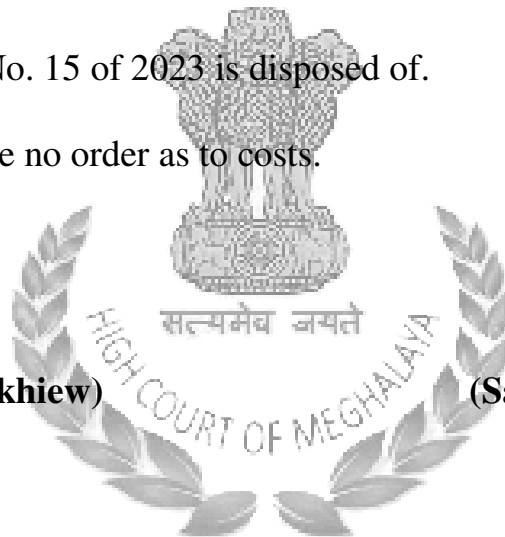
8. WA No. 18 of 2023 is dismissed.

9. MC (WA) No. 15 of 2023 is disposed of.

10. There will be no order as to costs.

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice



Meghalaya
19.06.2023
"Sylvana PS"