

Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 201 of 2023

Date of Decision: 05.10.2023

Shri Marthon Sangma (MLA) Vs. The Meghalaya Lokayukta & Anr.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. S. Deb, Adv. with
Ms. N. Rajee, Adv.

For the Respondent(s) : Mr. S. Jindal, Adv. with
Ms. B. Jyrwa, Adv.
Mr. I. Kharmujai, Adv.

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

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

JUDGMENT AND ORDER (ORAL)

1. The writ petitioner being aggrieved with the impugned order dated 13.06.2023, passed by the Chairperson, Meghalaya Lokayukta is before this Court, assailing the same.

2. The order impugned is with regard to the rejection of the complaint of the writ petitioner by application of Section 53 of the Meghalaya Lokayukta Act, 2014, which mandates that, *the Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date of which the offence mentioned in such complaint is alleged to have been committed.*

3. It has been contended by Mr. S. Deb, learned counsel for the petitioner that the constitution of a body known as the Meghalaya Lokayukta was notified only on 15.05.2019, and as such though the offence alleged to have occurred on 2014, the petitioner at that point of time had no recourse to such remedy, which he now seeks to avail of. He therefore, submits that the complaint before the Lokayukta is well within seven years from the date of establishment thereof, the impugned order is bad in law and is liable to be interfered with by this Court.

4. Mr. S. Jindal, learned counsel for the respondents No. 1 and 2, has refuted the submissions of the petitioner by drawing the attention of this Court to Section 53, which he contends does not permit the entertainment of any complaint which has been made seven years after the date of occurrence. It is further submitted that the provisions of the Limitation Act will have no application as the Meghalaya Lokayukta is

a special statute, which does not provide for any condonation. Reliance has also been placed on the Judgment in the case of *Sakuru vs Tanaji* reported in *(1985) 3 SCC 590*.

5. Heard the learned counsels for the parties and examined the materials on record. The complaint which has been filed by way of an additional affidavit, has also been examined. It is noted that the complaint is with regard to the alleged irregularities in the implementation of different Schemes under SRWP 2012-2013, and also against the then Block Development Officer (BDO), who is also alleged had fraudulently released the instalment amounting to Rs. 11,75,000/- (Rupees Eleven Lakhs Seventy Five Thousand only), without following the due process of law.

6. A perusal of the complaint clearly reflects that the offence had occurred in the year 2012-2013. Section 53 of the Meghalaya Lokayukta Act which is relevant for the purpose of the case is reproduced hereinbelow:-

“53. The Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date of which the offence mentioned in such complaint is alleged to have been committed.

7. A perusal of the same as submitted by the learned counsel for the respondents, expressly shows that the Lokayukta shall not inquire

or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date of commission. It is also noted the Meghalaya Lokayukta Act, 2014 is a special statute, and the provisions thereof, do not provide for the application of the Limitation Act. In the judgment as cited by the counsel for the respondents in the case of *Sakuru vs Tanaji (supra)* the Hon'ble Supreme Court has held that, *where an appeal is before a body or an authority other than a 'Court' the special statute under which the appeal is filed must authorize such body or authority to apply Section 5 of the Limitation Act, while dealing with the said appeal.*

8. The Meghalaya Lokayukta Act, 2014 therefore, having not provided for the application of the Limitation Act, and the complaint being hopelessly delayed, no case has been made out for interference with the impugned order, and this writ petition accordingly stands dismissed.

JUDGE

Meghalaya
05.10.2023
"V. Lyndem-PS"