

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 9 of 2023

Date of order: 14.08.2023

Anuradha Paul

vs

State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner : Mr K. Paul, Sr Adv. with
Mrs R. Dutta, Adv.
Mr S. Chanda, Adv.

For the Respondents : Mr N.D. Chullai, AAG with
Mr A.H. Kharwanlang, Addl Sr GA
Mr N. Syngkon, GA
Ms A. Thungwa, GA

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)

In view of the urgency pleaded, the matter has been taken up upon being mentioned this morning. The State, which is the effective respondent, is represented.

2. This petition has been filed in public interest by an alumnus of the Pine Mount School, an institution of great history and significance in Shillong. The grievance of the petitioner is that a heritage structure which has been standing for more than a century and was once used as a hostel

for the girl students in the school is suddenly being torn down. Photographs of the standing structure and recent photographs of the demolition having commenced have been appended to the petition. It appears that a single storied old Assam-style building is in the process of being brought down.

3. The petitioner does not allege that any rules pertaining to heritage buildings have been infringed. Indeed, the petitioner does not even assert that the relevant building has a heritage tag. There is no doubt that the building has an old-world charm about it as most of old Assam-style buildings did and the few still standing in the city continue to attract.

4. According to the State, the building was lying disused for several years and better facilities are proposed at the site for boarders. Though the petitioner claims that the school has a lot of additional land where construction work can be undertaken, it does not appear proper that either the petitioner or this Court should have a say in where the owners of the school decide to put up a construction and which other parts they decide to leave open.

5. It is true that the memories of former students would be lost, but development and progress cannot always be stalled on the basis of sentiments. The demolition of the structure may not appeal to the sensibilities of the petitioner or other former students, but since nothing

illegal has been brought to the notice of the Court, the prerogative must rest with the government which owns the school to decide how to fashion, design and style the same.

6. Since the best arguable case of the petitioner does not warrant any inference by the Court in the demolition or reconstruction work undertaken, PIL No. 9 of 2023 is dismissed without prejudice to any other rights that the petitioner may have in accordance with law.

7. There will be no order as to costs.

(B. Bhattacharjee)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
14.08.2023
"Sylvana PS"

