

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 403 of 2016 with
MC[WP(C)] No. 210 of 2016

Date of Decision: 15.05.2023

Shri. Rimchand Marak & Anr.

Vs.

G.H.A.D.C. & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)

: Mr. P.T. Sangma, Adv.

For the Respondent(s)

: Mr. S. Dey, Adv. for R 1-3.

Mr. A.G. Momin, Adv. for R 4, 6 & 7.

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| 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. Heard Mr. P.T. Sangma, learned counsel appearing on behalf of the petitioners as well as Mr. S. Dey, learned Standing Counsel appearing on behalf of the respondents No. 1-3/GHADC and Mr. A.G. Momin, learned counsel appearing on behalf of the respondents No. 4, 6 & 7.

2. Before the merits of this matter is to be looked into, the learned Standing Counsel appearing on behalf of the respondents No. 1-3/GHADC has fairly submitted that prima facie, the impugned order dated 17.08.2015 annexed as Annexure-8 to this petition as well as the impugned order dated

29.08.2016 annexed as Annexure-9 to this petition have been passed without any proper application of judicial mind and the same are liable to be set aside and quashed.

3. However, as to the grievance of the parties concerned, the learned Standing Counsel has submitted that the abovementioned impugned orders may be set aside and quashed and the necessary parties may be directed to appear before the learned Executive Member, I/C Revenue, Garo Hills Autonomous District Council, West Garo Hills, Tura who will look into the dispute between the parties afresh. This submission has not been objected to by the learned counsel for the petitioners as well as the learned counsel for the respondents No. 4, 6 & 7 respectively.

4. In view of the submission made, this Court is also in agreement that the merits of the dispute between the parties has to be agitated before the proper forum and the impugned orders mentioned above not being proper in the strictest judicial sense, the same are liable to be set aside and quashed.

5. Accordingly, the said impugned order dated 17.08.2015 passed in GDC-Rev/Appeal No. 17 A.C of 2011 (Smti. Nichi M. Marak v. Smti. Nogan Marak) as well as the impugned order dated 29.08.2016 passed in Rev. No. A/C 17 of 2011 (Nogan Marak & Ors v. Smti. Nichi Marak & Ors) by the Court of the learned Chief Executive Member, Garo Hills Autonomous District Council, West Garo Hills, Tura are hereby set aside

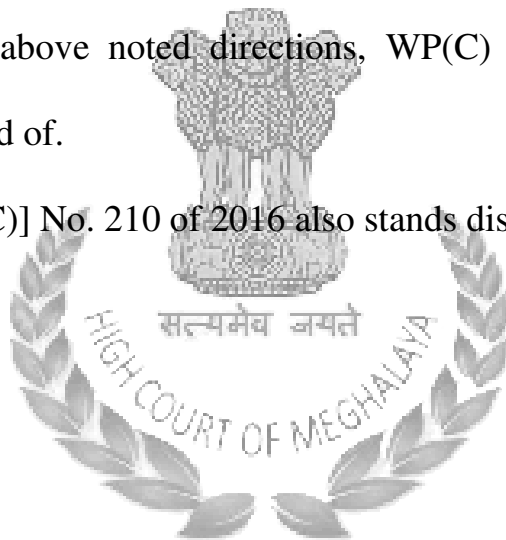
and quashed.

6. In view of the above, the parties are at liberty to approach the competent authority to agitate their grievances.

7. It is also submitted that till the matter is decided by the competent authority i.e. the Executive Member, I/C Revenue, status quo is directed to be maintained by all concerned. It is also requested that the learned Executive Member, I/C Revenue dispose of the matter within a period of 6(six) months from the date of receipt of this order.

8. With the above noted directions, WP(C) No. 403 of 2016 is accordingly disposed of.

9. MC[WP(C)] No. 210 of 2016 also stands disposed of.



Judge

Meghalaya

15.05.2023

"D. Nary, PS"