

Serial No.03
Supp.List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 429 of 2022

Date of Order :22.08.2023

Shri. Stingbud Nongrang Vs. Khasi Hills Autonomous District
Council & Ors.

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. R.Kharsyad, Adv.

For the Respondent(s) : Mr. V.G.K.Kynta, Sr. Adv. with
Ms. C.Nongkhlaw, Adv. for R 1-3.
Mr. B.Khyriem, Adv. for R 4.
Mr. C.C.T.Sangma, Adv. vice
Mr. T.T.Diengdoh, Sr. Adv. for R 5.

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

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

ORAL

1. The petitioner who is stated to be the Sordar of a village known as Lawhuleng in Sohiong Lyngdohship is before this Court being aggrieved with the order dated 10-12-2021, whereby approval had been granted for

creation of a new village known as 'Lawkanoh' to fall within the Nongkhlaw Syiemship. It has been submitted that though a complaint has been made to the respondents District Council with regard to the creation of the village on the ground that the same was within the boundary of Lawhuleng, the complaint was disregarded and approval was accorded for said creation of the village.

2. It appears from the materials on record, that following this dispute and the proposed correction of the boundaries and land records, the respondent No. 4 through its Syiem had instituted a Boundary Dispute Case being No. 5 of 2022 against the respondent No. 5, the Lyngdoh of Sohiong, and the writ petitioner in the said Boundary Dispute Case, was also arrayed as respondent No. 2. The dispute as raised was the respondent No. 4's assertion of his Syiemship rights over certain Ri Raids numbering nine in number, of which Ri Raid Lawkanoh is one of them. In the said Boundary Dispute Case, it has also been categorically contended by the respondent No. 4, that the claim of the respondent No. 5 that Ri Raid Lawkanoh falls within Lawhuleng is incorrect. As reported by Mr. V.G.K.Kynta, learned Special counsel on behalf of the respondents District Council, the Boundary Dispute Case. No. 5 of 2022 is yet to be concluded.

3. Mr. R.Kharsyad, learned counsel on behalf of the petitioner submits that though the objection of the writ petitioner is only based on the fact that

they do not accept Lawkanoh to be a separate village, the dispute that has arisen thereafter has increased in proportions to the extent that the other areas in dispute between respondent No. 4 and respondent No. 5 have come into the fold. In this view of the matter, he submits that it would be just and expedient if the dispute regarding creation of Lawkanoh village be also adjudicated by the Tribunal, as there is also the question of disputed facts.

4. Mr. B.Khyriem, learned counsel on behalf of respondent No. 4 has submitted that the writ petitioner has no locus to maintain the writ petition, inasmuch as, his tenure as Sordar of Lawhuleng village has since expired on 31-12-2020. He has also submitted that for Lawkanoh village, an Acting Sordar with the approval of the respondents District Council has also been appointed by the respondent No. 4. In this view of the matter, he submits that the writ petition being disabled in view of the fact that the writ petitioner lacks locus standi, the same should not be given any consideration.

5. Mr. V.G.K.Kynta, learned Special counsel for the respondents District Council has fairly submitted that the ground situation as it pertains, is that there is a dispute between two Himas namely, Nongkhlaw and Sohiong, which is seized presently by the Tribunal which is competent to decide the matter by instituting enquiries or by taking evidence. He is also

in agreement, that the purpose would be well served if the dispute which is pending before this Court, also be taken up by the Tribunal in question, on the outcome of which appropriate orders will be passed thereafter by the District Council respondents.

6. Mr. C.C.T. Sangma, learned counsel on behalf of respondent No. 5 also has no objection to the suggestion as made, and has further submitted that the question of locus does not arise as the petitioner is still presently holding the office of Sordar Lawhuleng. This submission he makes in view of the fact that he is the appointing authority of the Sordar.

7. Having heard learned counsel for the parties and in consideration of the facts at hand, it is correct that it would be difficult for this Court sitting in writ jurisdiction to discern as to the competing rights of the parties as it involves demarcation and determination on the ground, for which evidence has to be led by the parties concerned. It is also noted that the larger picture is before the Tribunal, inasmuch as, the boundary dispute between Hima Nongkhlaw and Sohiong Lyngdohship involves other areas as well.

8. In the facts and circumstances of the case therefore, it is directed that the present disputes as raised by the writ petitioner, be placed before the Tribunal, who is permitted to file an additional petition before the Tribunal citing all the grounds for objection to the creation of Lawkanoh. As this also constitutes a part of the larger boundary dispute, the Tribunal

is directed to take this matter into consideration and pass appropriate orders thereon after hearing all the parties. It is further made clear that till orders are passed by the Tribunal, status quo shall be maintained by all the parties to await the outcome thereof. It is expected that the matter be disposed of as expeditiously as possible.

9. Accordingly, writ petition is disposed in terms of the direction contained.

Judge

Meghalaya
22.08.2023
"Samantha PS"

