

Serial No. 06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 495 of 2022

Date of Decision: 27.01.2023

Shri Thwilksingly Kharbani Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. A. Khan, Adv.

For the Respondent(s) : Mr. S. Sen, Sr. GA (For R 1-3)

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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. By way of the instant writ application the petitioner seeks to quash and set aside the impugned order dated 15.07.2022 and the order dated 05.08.2021, passed in Registration Case No. 1 of 2021 by the Sub Registrar, West Khasi Hills District Nongstoin, Meghalaya.

2. Mr. A. Khan, learned counsel for the petitioner submits that the denial of registration by the respondent No. 3 is illegal, inasmuch as, vide Land Occupation Certificate (Annexure-1 to the writ petition), the writ petitioner has been permitted to mortgage or lease the land to any third party. Further, he submits that the NOC granted for registration of the land before the authorities has also been withdrawn without any notice or he being heard.

3. Mr. S. Sen, learned Sr. GA for the respondent No. 1, 2 and 3, at the outset submits that leaving aside any other contention that has been raised in the writ petition, the impugned order is appealable, and as such the writ petition is not maintainable.

4. I have heard the learned counsel for the parties and examined the material on record.

5. It appears that by way of the Land Occupation Certificate dated 18.11.2019, the writ petitioner was allowed occupation, use of the plot of land by the respondent No. 4 (Syiem of Mawiang Syiemship). It is also noted that in the second recital of the said document, the writ petitioner has been permitted to mortgage or lease the land to any third party.

6. Though, the petitioner is only allowed occupancy rights, a perusal of the document sought to be registered namely; the Deed of

Declaration at the title itself is described as Declaration of Ownership, and further the writ petitioner in the said document itself, seeks a declaration that he is the absolute owner of the plot of land. A second document also a deed of declaration is annexed with different terms contained therein.

7. In this context therefore, the factual situation is not clear as to what kind of document the writ petitioner seeks to register or what rights, title or otherwise he seeks to affirm. In this view of the matter thereof, at this stage, in consideration of the facts and materials of the case, no interference is called for by this Court. Further, as noted above the order is also appealable.

8. Accordingly, this writ petition is not entertained and the petitioner is left to avail of alternative remedy in accordance with law.

9. This writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
27.01.2023
"V. Lyndem-PS"