



by the respondents of the said staff, has resulted in making the weighbridge inoperable.

2. The background facts necessary for consideration of the interim prayer is that, the writ petitioner is a licensee at Amsarin weighbridge, which was entered initially into with the State respondents, by agreement dated 07<sup>th</sup> December 2017, for a period of 3(three) years, and extended for an additional period of 2(two) months. On the same having lapsed, the writ petitioner by way of WP(C) No. 2 of 2021, had approached this Court for directions for renewal of the agreement. This Court by order dated 09<sup>th</sup> May 2022, then disposed of the writ petition of the petitioner along with two other similar petitions, directing the State respondents to consider the renewal on an appropriate application, which was to be filed by the writ petitioner. By order dated 30<sup>th</sup> May 2022, the respondent No. 3, ostensibly pursuant to the order of this Court, renewed the agreement, and a fresh agreement was executed on 1<sup>st</sup> June, 2022 for a further period of 3(three) years. This arrangement however, was curtailed by an order dated 14<sup>th</sup> July, 2023, issued by the respondent No. 3, whereby the period of renewal was truncated to 20<sup>th</sup> June, 2023. Aggrieved by this order, the petitioner then preferred WP(C) No. 299 of 2023, which is pending final hearing, and in the interim, status quo was directed to be maintained.

3. While WP(C) No. 299 of 2023, was thus situated, the respondent No. 3, by order dated 16<sup>th</sup> January 2024, withdrew the impugned order dated 14<sup>th</sup> July 2023, citing the reason that the same was done in view of the order of this Court dated 08<sup>th</sup> December 2023. However, though the cause of action should have been extinguished, the writ petitioner then came again before this Court, by way of the connected writ petition namely WP(C) No. 8 of 2024, against the purported action of the respondents in withdrawing the official enforcement staff and posting them to another weighbridge nearby at a place known as Amjeha. The writ petitioner has alleged that this action is a clear violation of the status quo orders passed in the earlier writ petition, and as such, in the interim has prayed for some protection.

4. It has been submitted by learned counsel for the petitioner that the action of the respondents inspite of withdrawing the letter whereby the extension has been curtailed, has been made with a view to disable the operation of the weighbridge and check-post by the petitioner, inasmuch as, in the issuance of weighment or check slips, the endorsement of the official enforcement staff is necessary. He therefore prays that, the respondents be directed to post or deploy official staff at the weighbridge of the petitioner, so that the proper functioning can resume.

5. The learned Advocate General appearing for the respondents has advanced arguments that infact, the action of the respondents is as per law and rules, and that the petitioner cannot seek directions to command the deployment of State government officials as prayed. It is submitted that, the State respondents have acted as per the Meghalaya Installation, Regulation, Maintenance and Operation of Weighbridge Rules, 2009 & 2015. The learned Advocate General has then gone into the root of the matter, and submitted that the agreement dated 1<sup>st</sup> June 2022, relied upon by the petitioner cannot be over and above the mandate of the rules referred to above. The larger picture concerning the manner of renewal of the license of the petitioner showing that the same was not as per law, but in clear violation of Rule 7 of the rules has also been placed by the learned Advocate General, as also the point that the State respondents as per Rule 3, are at liberty to establish or install as many weighbridges as it may think necessary. In this context, he submits that the weighbridge to which the enforcement personnel have been posted now at Amjeha, is a government weighbridge. He therefore submits that, the renewal itself being irregular, no case has been made out for the passing of any interim orders and prays that both the writ petitions be heard together finally.

6. Having heard the learned counsel for the parties, and having considered the facts at hand, at the first flush, it appears that the

respondents have resorted to action that has upset the status quo ordered by this Court in WP(C) No. 299 of 2023, and as such, corrective orders should be passed to restore the same at the interim stage.

7. However, after considering the entire facts surrounding the case, taking into account, the applicability of the Rules, and especially the withdrawal of the impugned letter dated 14<sup>th</sup> July 2023, and the consequence it would have on the fate of WP(C) No. 299 of 2023, in the considered view of this Court, both the writ petitions need to be heard and settled finally at the earliest.

8. Accordingly, at this stage as not to further complicate the issue, no interim orders are called for.

9. Misc. Case accordingly stands disposed of.

**Judge**

Meghalaya  
13.02.2024  
"D.Thabab-PS"