

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No. 20 of 2024

Date of Decision: 01.03.2024

Shri Napoleon Siej S/o (L) Morningstar Khongtir R/o Nongjri Village, Elaka Nongjri, Nongjri Sirdarship East Khasi Hills District, Meghalaya	Vs.	1. The Khasi Hills Autonomous District Council, represented by The Chief Executive Member 2. The Secretary to the Executive Committee Khasi Hills Autonomous District Council, Shillong. 3. The Deputy Secretary to the Executive Committee, Khasi Hills Autonomous District Council, Shillong. 4. The Executive Member, I/c Elaka, Khasi Hills Autonomous District Council, Shillong. 5. The Returning Officer, Khasi Hills Autonomous District Council, Shillong. 7. Shri Phelinto Rynjah S/o Smti (L) L. Rynjah, R/o Nongjri Nongbah, Nongjri Sirdarship, Pyrursla, East Khasi Hills District, Meghalaya.
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Coram:

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

Appearance:

For the Petitioner(s)	:	Mr. J. Shylla, Adv. with Mr. M.L. Nongpiur, Adv.
For the Respondent(s)	:	Mr. T.T. Diengdoh, Sr. Adv. with Mr. R. Kharsyad, Adv.

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. The petitioner by way of the instant writ application has assailed the order dated 25.01.2024 passed by the respondent District Council, wherein it has been alleged that the objections filed by the petitioner against the candidature nomination of the respondent No. 6, to the post of Sirdar of Nongjri Elaka, was rejected solely on the ground of non-submission of written arguments.

2. This Court by the order dated 12.02.2024, on hearing the learned counsel for the petitioner was pleased to keep the impugned order in abeyance, and as such the elections to the post of Sirdar of Nongjri Elaka have not been held till date.

3. Mr. T.T. Diengdoh, learned Special counsel assisted by Mr. R. Kharsyad, learned counsel for the respondent District Council, today has submitted that firstly, the petitioner before this Court is not an aspiring candidate or candidature for the said election, and secondly the grievance as put up by the petitioner is genuine, inasmuch as, due to a miscommunication, the written arguments filed by the petitioner could not be placed before the Executive Committee, at the time when the

complaint was being taken up for adjudication. He therefore, prays that this writ petition may be closed, and that the complaint be remanded back to the Executive Committee to be heard along with the written arguments, as placed by the writ petitioner.

4. Having considered the submissions of the learned counsels for the parties, especially the fact that the petitioner before this Court is not an aspiring candidate, no reason remains for keeping the elections process in abeyance.

5. Accordingly, this matter stands remanded back to the Executive Committee who shall hear the same within 1(one) week, and shall consider the written arguments filed by the petitioner.

6. With the above noted directions, this matter stands closed and is disposed of.

JUDGE

Meghalaya
01.03.2024
"V. Lyndem-PS"