

Serial No. 07
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 24 of 2024

Date of Decision: 24.05.2024

Shri. Nur Alom Siddik
S/o (L) Abdul Monnaf
R/o Magurmari
P.O. Haripur & P.S Phulbari
West Garo Hills District, Meghalaya

:::Petitioner

-Vs-

1.The Garo Hills Autonomous District Council,
represented by its Secretary, Executive Committee,
West Garo Hills District, Tura

2.The Chief Executive Member, Garo Hills Autonomous
District Council, Tura

3.The Executive Member, I/C Revenue & Land, Garo
Hills Autonomous District Council, Tura

4.Shri. Rezabul Karim
S/o (L) Abdur Roshid
R/o Magurmari
P.O Haripur & P.S Phulbari
West Garo Hills District, Meghalaya

:::Respondents

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Mr. S. Deb, Adv. (For R 1-3)
Mr. S.A. Sheikh, Adv. (For R 4)

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

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

Oral:

1. The writ petitioner is before this Court, assailing an order dated 25.01.2024, whereby the respondent District Council has allowed the respondent No. 4, to function as the Gaonbura of Magumari area for 6(six) months w.e.f. 22.01.2024 to 22.07.2024.

2. The grievance of the writ petitioner as portrayed is that, the election should be held as to who should be the Gaonbura of the said area, and by the action of the respondent District Council, he being interested candidate has till date been deprived of contesting for the office.

3. The respondents No. 1-3 represented by Mr. S. Deb, learned counsel has on affidavit stated that the appointment of the said respondent No. 4, is

only on a temporary basis, so that the village will have a Headman to manage the affairs, till the finalization or election of a new Gaonbura. It is also stated in the affidavit that, when the officers of the Council had gone to the village, to carry out an inquiry, with regard to holding of elections, the villagers obstructed the said process, however, it is stated that the authorities are ready to conduct a fresh inquiry to ascertain the wishes of the villagers, with regard to the appointment of the Gaonbura.

4. Mr. S. Deb, learned counsel has further submitted that the inquiry could not be conducted due to the disturbances created from both sides, i.e. from the side of the petitioner and the respondent No. 4. He prays that directions be issued to bind the petitioner and the respondent No. 4, so that proper inquiry can be carried out.

5. Mr. S.A. Sheikh, learned counsel for the respondent No. 4, does not have any objection to the holding of the inquiry and submits that the respondent No. 4, will abide by any decision that is given by the respondent District Council.

6. Having heard the learned counsel for the parties, this writ petition in the interest of the villagers and area is being disposed of at this stage, by directing the respondents No. 1-3, to conduct a fresh inquiry to ascertain the ground situation and to pass appropriate orders thereon, for the appointment or election of new Gaonbura.

7. It is also provided that any order that follows thereafter, shall be as per the Assam Land and Revenue Regulation 1886, as adapted, with regard to the appointment of Gaonburas. It is further provided that, the respondents No. 1-3 shall also before the inquiry obtain an undertaking from the petitioner and from the respondents, to ensure the peaceful conduct of the inquiry.

8. As the term of the private respondent No. 4, is to conclude on 22.07.2024, it is expected that the entire exercise should be completed before the expiry of the term.

9. As ordered above, matter accordingly stands closed and disposed of.

Judge

Meghalaya
24.05.2024
"D.Thabak-PS"