

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 11 of 2024

Date of order: 14.05.2024

Shri. Iaineh Nongkhlaw

... Appellant

vs

1. State of Meghalaya represented by the Secretary to the Government of Meghalaya, District Council Affairs Department, Shillong.
2. Khasi Hills Autonomous District Council represented by Secretary, Executive Committee, Shillong.
3. The Executive Committee,
Khasi Hills Autonomous District Council.
4. Secretary (Legislative),
Khasi Hills Autonomous District Council.
5. The Syiem of Myllem,
Myllem Syiemship, Mawkhar, Main Road, Shillong.
6. Shri Donbok Nongkhaw Rngi, Son of Trial Nongkhaw Rngi,
Resident of Mawnianglah, Upper Shillong,
East Khasi Hills District, Meghalaya.
7. Shri Sainborlang Nongkhaw Rngi,
Son of Smti Elinda Nongkhaw Rngi,
Resident of Mawkhan, Upper Shillong,
East Khasi Hills District, Meghalaya

... Respondents

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Appellant : Mr. K. Paul, Sr. Adv. with
Mr. B. Khyriem, Adv.
Mr. S. Thapa, Adv.

For the Respondents : Mrs. T. Yangi B., AAG with
Mrs. S. Bhattacharjee, GA

Mr. S. Sengupta, Addl.Sr.GA
Mr. V.G. K. Kynta, Sr. Adv. with
Ms. C. Nongkhlaw, Adv. [For R 2-4]
Dr. N. Mozika, DSG with
Mr. M.L. Nongpiur, Adv. [For R 6 & 7]

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

J U D G M E N T

(Made by Hon'ble, the Chief Justice)

The present writ appeal has been preferred against the order dated 27.09.2023 of the learned Single Judge, by which the matter was remanded to the District Council for a decision to be taken as to whether Schedule II to the Khasi Hills Autonomous District (Appointment and Sucession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllichem Syiemship) Act, 2007, should refer to only “Nongkhlaw” or to “Nongkhlaw Rngi” and the relevant paragraphs are extracted as under:

“17. WP (C) No. 57 of 2021 is disposed of by directing the Khasi Hills Autonomous District Council to take a reasoned decision in the matter as to whether the reference in Schedule II to the relevant Act has to be “Nongkhlaw Rngi” or only “Nongkhlaw”. Such decision will be taken within four weeks from date upon first hearing both the petitioners herein and the respondent No. 6 or their authorised representatives. In case it is the legislative wing which is deemed to be the appropriate authority to take the call, a select committee of legislators as may be formed by the legislative council to hear both the petitioners and the respondent No. 6 or their authorised representatives before taking a final decision in the matter as to

whether Schedule II to the said statute should refer only to “Nongkhlaw” or to “Nongkhlaw Rngi”.

18. The decision in such regard ought to be reasoned and such reasons should be furnished to both the petitioners and the respondent No. 6.”

2. Consequent to the order of this Court, notice has been issued by the Executive Committee and after hearing all the parties, namely, the appellant / writ petitioner and the contesting respondents in the appeal before this Court, the Executive Committee has passed an order dated 02.05.2024 observing as follows:

“The Executive Committee having considered from all angles, perusal of the written arguments filed by all parties concerned and taking into consideration the narrative above that the supremacy and authority of the House in its session is always respected. Nevertheless there is no doubt that the Myntri of Hima Myllem is from the Nongkhlaw Clan and also known as “Myntri Nongkhlaw” but as per the records and customary practices in Hima Myllem, the said Myntri Nongkhlaw is only from the Nongkhlaw (Rngi) which comprise of the four wombs (kpoh) namely (a) Mawnianglah, (b) Sohlah, (c) Baniun and (d) Pdeng Bri Mawsawa to be known as Myntri Nongkhlaw Rngi. However, it is not necessary that the term “Rngi” is to be incorporated after “Nongkhlaw” in the schedule II of the said Bill.”

3. Learned Senior Counsel appearing for the appellant, who is the respondent in the writ petition has submitted that on the Executive side, Law cannot be amended and the order of the Executive Committee, Khasi Hills Autonomous District Council is contrary to law and needs to be interfered with.

4. It is seen that after the remand order, the appellant herein has participated in the inquiry and nowhere has he stated that he has participated under protest.

5. Be that as it may, though there is force in the plea taken by the appellant, we are of the view that the said issue cannot be gone into in the present writ appeal in the absence of challenge to the decision of the Executive Committee. In case the order of the Executive Committee dated 02.05.2024 is challenged by the appellant herein, all the factual and legal pleas available to him including the one dealt with in the earlier writ petition can be agitated by the writ petitioner and it cannot be put against the appellant on the ground of *res judicata* or any other parties. Leaving all questions open, *WA No. 11 of 2024 is disposed of.*

(B. Bhattacharjee)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
14.05.2024
"Sylvana PS"