

Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No. 71 of 2024

Date of Decision: 20.03.2024

1. Smti Bina Roy A. Sangma
W/o (L) Atul C. Marak
R/o Najing Bazar, Tura,
West Garo Hills District,
Meghalaya.

..... Petitioner(s)

- Versus -

1. The State of Meghalaya
Represented by its Commissioner and
Secretary, Home Department, Shillong.
2. The Superintendent of Police,
West Garo Hills, Tura
3. The Additional Superintendent of Police,
West Garo Hills, Tura
4. The Officer-In-Charge, Araimile
Police Station, West Garo Hills, Tura
5. Shri Avante A. Sangma,
S/o (L) Atul Ch. Marak
R/o Lower Hawakhana,
P.O. & P.S. Tura, West Garo Hills District,
Meghalaya.
6. Shri Pablo A. Sangma,
S/o (L) Atul Ch. Marak,
Present Address: K.A. Road (Chest Clinic)
P.O. Chandmary, P.S. Tura,
West Garo Hills District, Tura

..... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. A.G. Momin, Adv. with
Ms. L.D. Sangma, Adv.

For the Respondent(s) : Mr. S. Sen, GA (For R 1-4)

i)	Whether approved for reporting in Law journals etc:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. The petitioner who claims to be the absolute owner in possession of a plot of land situated at Danakgre, Tura is before this Court seeking a mandamus to issue to the Police respondents to take action against the respondents Nos. 5 & 6, who are stated to be the sons of the writ petitioner.

2. It has been submitted by Mr. A.G. Momin, the learned counsel for the petitioner that with regard to the said property, a Title Suit is pending before the Court of the Assistant to Deputy Commissioner at Tura, West Garo Hills, and is numbered as Title

Suit No. 1 of 2024. It has also been submitted by the learned counsel that the hearing on the injunction application, has been fixed on 04.04.2024, but in the meanwhile the respondent No. 6 has started creating disturbances within the suit property. He therefore, prays that notwithstanding pendency of the suit, orders be passed that the police take appropriate action.

3. Mr. S. Sen, learned GA appearing on behalf of the respondents Nos. 1 to 4, submits that instructions will have to be received, as to whether the allegations contained in the writ petition are accurate and correct. A reference has also been made by the learned GA, to the prayers that have been made in the writ petition, which he submits are unsustainable, as far as the prayers No. 1 and 2, are concerned.

4. After hearing the learned counsels for the parties and examining the materials which have been placed before this Court, there is no ambiguity with regard to the nature of dispute, which is purely civil in nature, and for which a Title Suit has also been instituted by the writ petitioner. The only grievance it appears, is with the alleged action of the respondents Nos. 5 and 6, in the

intervening period before the hearing of the injunction application on 04.04.2024, which has compelled the writ petitioner to approach this Court.

5. Taking the circumstances into consideration, this Court with regard to the prayers No. 1 and 2 in the writ petition will not issue any orders, inasmuch as, the writ petitioner can avail of alternate remedy for registration of an FIR, as also for restraining the respondents Nos. 5 and 6. With regard to the prayer No. 3, to direct the respondents Nos. 2 and 3, not to take any coercive action within the property, it is expected that the respondents Nos. 2 and 3, are to act in accordance with law on any complaint, and to ascertain the factual aspects thereof. But however, as the Title Suit is pending, the writ petitioner has adequate remedy, to file necessary applications for redressal of the grievances as stated.

6. Accordingly, this writ petition is not entertained at this stage, and is disposed of.

JUDGE

Meghalaya
20.03.2024

“V. Lyndem-PS”