

**Serial No.28****Regular List**

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 77 of 2024Date of Decision : 11.12.2024

Shri. Mannan Sarker.

...Petitioner

-Versus-

1. Garo Hills Autonomous District Council,
Represented by the Secretary to the
Executive Committee, Garo Hills
Autonomous District Council, Tura.
2. The Executive Member,
I/c Land and Revenue,
Garo Hills Autonomous District Council,
Tura, Meghalaya.
3. The Revenue Officer,
Garo Hills Autonomous District Council,
Tura, Meghalaya.
4. Shri. Azizur Rahman,
S/o (L) Nader Hussain,
R/o Mondalpara, Majherchar – 1,
P.S. & P.O. Mohendraganj,
West Garo Hills District, Meghalaya.

...Respondents

Coram:



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

Appearance:

For the Petitioner/Applicant(s) : Mr. D.Deb, Adv.

For the Respondent(s) : Mr. S.Dey, Adv.
Ms. N.Rajee, Adv.

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| 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 being aggrieved with his removal as Gaonbura of six villages, comprising the Majherchar – 1 area, viz., Mondolpara, Julapara, Dhulipara 1 & 2, Nayapara, Tashildarpara and Silkona villages, which is alleged was without any reason or proceedings, but on the basis of some alleged complaints had filed a representation before the respondents which was not addressed and as such, has approached this Court by way of this instant writ petition.

2. Mr. D.Deb, learned counsel for the petitioner has submitted that the petitioner has no information about any complaints or any spot enquiry conducted in pursuance to the complaints, but only that the respondent No. 4 had been appointed as the Gaonbura vide an order dated 22-12-2022, and



is continuing till date. The learned counsel has then drawn the attention of this Court to an order passed in WP(C). No. 476 of 2022, dated 02-12-2022, which had been filed by the private respondent as writ petitioner, wherein this Court, while disposing of the writ petition had allowed the respondents to look into the matter and to dispose of the representation of the petitioner therein within a period of four months thereafter. He submits that though there were no directions issued by this Court for appointment of the private respondent, the respondents GHADC had acted illegally in appointing the said respondent by referring to the order dated 02-12-2022, which did not contain any such directions. He therefore, submits that the respondents having acted illegally and arbitrarily, the private respondent is liable to be discontinued from the post he is holding.

3. Mr. S.Dey, learned counsel appearing for the respondents Nos. 1, 2 & 3 GHADC, has submitted that the private respondent is still continuing in office with his last extension being allowed on 19-07-2024, and effective till 18-07-2025. He submits that perhaps it was by some bifurcation in the villages, which resulted in the re-alignment and the appointment of the private respondent as Gaonbura. However, he submits that with regard to the reliance of the respondent No. 3 on the orders of this Court for making the appointment, he has no submissions to make. He



therefore prays that the respondents be allowed to rectify the situation and take corrective measures as necessary.

4. Heard learned counsel for the parties.

5. It is noted that though the private respondent No. 4 had been served notice as far back as on 22-04-2024, no appearance has been made on his behalf. An affidavit indicating service of notice has also been filed by the petitioner.

6. Coming to the facts of the case in question, the dispute it seems initially was with a spot enquiry that had been gone into by the respondents, for which report has never been produced before the Court. Further, it is seen that the appointment of the private respondent No. 4 was made purportedly in pursuance to the orders of this Court dated 02-12-2022, passed in WP(C). No. 476 of 2022. A perusal of the order dated 02-12-2022, nowhere reflects that any such direction is contained therein. This fact which is present on the face of the record itself, has made the impugned order unsustainable, and infact without further deliberating on the matter, the same is liable to be interfered with by this Court. Though this Court by the order had allowed the respondents to examine the same, as it is noted in the order that the same emanated from a spot enquiry,



nothing has been placed before this Court to show that such exercise had been undertaken. The conduct of the respondents therefore is highly deprecated and amounts to misrepresentation of the orders of this Court.

7. In consideration of the facts as they pertain therefore, it is directed that the impugned order dated 22-12-2022 and the consequent extension order dated 19-07-2024, shall not be given effect to by the respondents and they stand quashed, and they are directed to immediately examine the matter afresh by also affording opportunity of hearing to the writ petitioner. It is further provided that till the matter is resolved, the administration of the villages will be taken care of by a person to be appointed by the Executive Committee, GHADC as Acting Gaonbura. The copy of the extension order which has also been interfered with dated 19-07-2024, is taken on board and made part of the record and marked as 'X'.

8. It is expected that the entire exercise shall be completed within the month of January, 2025 itself, by the respondents No. 1-3.

9. With the above directions, the writ petition is allowed and the matter stands closed and disposed of.

Judge