



Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C)] No. 51 of 2024 in
WP(C) No. 412 of 2016

Date of Order: 12.08.2024

Shri. Kalben Sangma
Son of (L) Mangdon Momin
Resident of
Asil Akhing No.IV – 49
East Garo Hills District,
Meghalaya.

....Applicant.

Vs. 1.Shri. Jinsang Marak
Nokma of Sokadamgiri Akhing
Sokadam village,
East Garo Hills District, Meghalaya.

2. The Garo Hills Autonomous
District Council, represented by the
Secretary, Executive Committee,
Tura, West Garo Hills District,
Meghalaya.

3. The Chief Executive Member,
Garo Hills Autonomous District
Council, Tura, West Garo Hills
District, Meghalaya.

4.The Executive Member, I/c Land,
Revenue, etc, Garo Hills Autonomous
District Council, Tura, West Garo
Hills District, Meghalaya.

....Opposite parties.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Applicant(s) : Mr. P. Nongbri, Adv.
Mr. M. L. Nongpiur, Adv.

For the Opposite Party(s) : Mr. J. M. Thankhiew, Adv. with



Ms. E.G.S. War, Adv. (R: - 1)
Mr. S. Dey, Adv. (R: 2 – 4)

ORAL:-

Heard Mr. P. Nongbri, learned Counsel appearing for the applicant, Mr. J. M. Thangkhiew, learned Counsel appearing for the Opposite Party No.1 and also Ms. N. Rajee, learned Counsel appearing for the respondents No.2 – 4.

This is an application for recalling of the order dated 16-07-2018 passed by this Court whereby an order of *ex-parte* proceeding was made against the applicant herein.

The learned Counsel for the applicant submits that there was a communication gap between the applicant and his appointed lawyer who was representing him at the point of time when the order dated 16-07-2018 was passed. He further submits that even after passing of the order, new sets of lawyer appointed by the applicant, have taken part in the proceeding of the writ petition until 22-03-2024 when the Counsel for the opposite part No. 1 pointed out to the Court about the existence of the order dated 16-07-2018. It is the submission of the learned Counsel that the applicant had no intention to commit default of any kind and he is very much interested to contest the writ petition. He submits that the passing of the order dated 16-07-2018 was an outcome of communication gap and the situation was beyond the control of the applicant. The Learned Counsel prays that the order dated 16-07-2018 be recalled and the applicant may be given a chance to take part in the further proceeding of the writ petition.

The learned Counsel for the Opposite Party No.1 has objected to the application on the ground that the applicant should have been vigilant about the passing of the order of this Court. He has also pointed out to the



averments made in the paragraphs No.6 & 7 of the application and submitted that these averments go to show the existence of blameworthy conduct of the applicant and, in such a situation, the application for recalling the order dated 16-07-2018 deserves to be rejected.

A perusal of the order-sheet of the writ petition reveals that the applicant was represented by a different set of Counsels at the point of time when the order dated 16-07-2018 was passed on the basis of the submission made on behalf of the applicant. However, a further perusal of the latter orders of the case record of the writ petition reveal that the applicant was present in all the subsequent dates and his presence was also recorded in all the orders. The aforesaid fact reveals that though the applicant might have lost contact with his lawyers at certain point of time but thereafter have not defaulted in his appearance and has been showing his keen interest to contest the matter. Taking into consideration the interest of the applicant to contest the matter and for ends of justice, it is deemed appropriate to recall the order dated 16-07-2018.

Accordingly, the order dated 16-07-2018 is hereby recalled. The applicant is allowed to take part in the proceeding of the WP(C) No.412 of 2016.

The application stands allowed.

Judge

Meghalaya
12.08.2024
“Biswarup PS”