

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet. No. 4 of 2023 in
WP(C) No. 482 of 2022

Date of Decision: 20.02.2024

Shri Rofial Hoque

Vs. The Garo Hills Autonomous
District Council & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. K. Paul, Sr. Adv. with
Mr. S. Khyriem, Adv.

For the Respondent(s) : Ms. N. Rajee, Adv.
vice Mr. S. Dey, Adv. (For R 1-3)
Mr. S.K. Hassan, Adv. (For R 4)

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

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

JUDMENT AND ORDER (ORAL)

1. This review application has been filed by the applicant/petitioner for review of the order dated 24.03.2023, passed by this Court in WP(C) No. 482 of 2022. By the said order, this Court on the

prayer of the petitioner therein, had directed the Revenue Officials of the respondent District Council to conduct the re-demarcation of the land of the petitioner. It appears that the petitioner in WP(C) No. 482 of 2022, had approached this Court with the said prayer, citing reasons of objections by some quarters to the re-demarcation.

2. Mr. K. Paul, learned Senior counsel assisted by Mr. S. Khyriem, learned counsel appearing for the review petitioner has submitted that the review of the order was considered necessary in view of the fact that in the garb of an innocuous order passed by this Court, the review petitioner might be dispossessed of his land. In this context, the attention of this Court has been drawn to an appeal filed by the review petitioner under Regulation 169 r/w Regulation 170 of the Assam Land and Revenue Regulation, 1886 against the order of the Revenue Officer, with regard to mutation and demarcation. He further submits that without there being any order passed on the appeal nor on the objections raised, the respondent District Council had before this Court conceded to the re-demarcation. These facts and materials he contends, were never placed before this Court, to enable it to adjudicate on the matter fully.

3. Mr. S.K. Hassan, learned counsel for the respondent No. 4, in the instant review application, has submitted that notices had been issued

to the review petitioner before the re-demarcation of the land in question, but the review petitioner, however, failed to appear, nor to submit any document to substantiate their objections to the re-demarcation. He however, fairly submits that as an appeal which has been mentioned above, is pending adjudication before the Executive Member, i/c Land & Revenue, Garo Hills Autonomous District Council, the matter may be remanded back to the said authority for adjudication on the claims and counter-claims of the parties herein.

4. Considering the submissions of the learned counsels for the parties, and also on perusal of the materials on record, especially the fact that a statutory appeal is pending before the Executive Member, i/c Land & Revenue, Garo Hills Autonomous District Council, this Court deems it fit to recall the order dated 24.03.2023 passed in WP(C) No. 482 of 2022, and to relegate the parties to contest the appeal No. GHADC-Rev/Appeal No. 24 of 2023, pending before the Executive Member, Garo Hills Autonomous District Council, Tura.

5. Needless to add, any demarcation or any further action, will be subject to the result of the appeal. The parties therefore, are put to notice to appear on 06.03.2024, before the said Executive Member, i/c Land & Revenue, Garo Hills Autonomous District Council, who shall

then take up the matter for hearing. It is expected that the appeal shall be disposed of expeditiously, within a period of 2(two) months, thereafter.

6. This review application is allowed to the extent indicated above and is accordingly disposed of.

JUDGE

Meghalaya
20.02.2024
"V. Lyndem-PS"