



Serial No.10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 132 of 2024

Date of Order : 24.07.2024

Shri. Josingwel Paliar,
Resident of Mawkhaitngap village,
B.P.O. Umdohlun, P.S. Mawkyrwat,
Nobosohphoh Syiemship,
South West Khasi Hills.

...Petitioner

-Versus-

1. The Office of the Syiem of Nobosohphoh,
Represented by its Chief,
Rangblang Village,
Nobosohphoh Syiemship,
South West Khasi Hills District,
Meghalaya.
2. The Umdohlun Market Management Committee,
Represented by its Secretary,
Umdohlun village,
Nobosohphoh Syiemship,
South West Khasi Hills District,
Meghalaya – 793 114.
3. The Secretary to the Executive Committee,
Khasi Hills Autonomous District Council.

...Respondents

Coram:



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

Appearance:

For the Petitioner/Applicant(s) :	Mr. M.L.Nongpiur, Adv. Ms. A.Pradhan, Adv.
For the Respondent(s) :	Mr. H.L.Shangreiso, Sr. Adv. with Ms. E.Wannaing, Adv. for R 1. Mr. E.Nongbri, Adv. for R 2. Mr. V.G.K.Kynta, Sr. Adv. with Ms. C.Nongkhlaw, Adv. for R 3.

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 brief facts of the case are that, on an auction held by the respondent No. 2, i.e. the Umdohlun Market Management Committee , the petitioner who had participated in the same was successful and was accordingly granted permission to collect tolls in respect of Umdohlun Market w.e.f. 9th April, 2024 to 31st March, 2025.

2. The grievance as set out by the writ petitioner is that, on being settled with the said market, which he states is a private market run by the respondent No. 2, the respondent No. 1 Syiem of Nobosohphoh by the impugned auction notice dated 25-04-2024, called for fresh bids for the



said market, which had already been settled with the writ petitioner by the Management Committee. Learned counsel for the petitioner accordingly prays that the said auction notice being without jurisdiction, inasmuch as, the market was already settled with the writ petitioner by the respondent No. 2, who is the owner of the market, the said auction notice being illegal is liable to be quashed and set aside.

3. Mr. V.G.K.Kynta, learned Sr. counsel assisted by Ms. C.Nongkhlaw, learned counsel appearing for the respondent No. 3 KHADC, has submitted that as the dispute in question concerns the settlement of a market, the writ petitioner if aggrieved with any order, alternative remedy is available under the Khasi Hills District (Establishment, Management and Control of Markets Regulation), 1979. He therefore submits that the entire dispute as raised can effectively be adjudicated by the respondent No. 3 under the said Regulation.

4. Mr. H.L.Shangreiso, learned Sr. counsel assisted by Ms. E.Wanniang, learned counsel on behalf of the respondent No. 1 who has filed the connected Misc. Case being MC[WP(C)]. No. 83 of 2024, has placed reliance on the said application and submits that the averments made therein will also substantiate his stand in the main writ petition. Learned Sr. counsel has then submitted that though the market in question is managed and run by the Management Committee, the same however is



under the Chairmanship of the Lyngdoh or the Paliar clan, who has been suspended since 04-07-2023, by the Chief (respondent No. 1) and an Acting Lyngdoh appointed thereon. He submits that the Lyngdoh who has since been suspended therefore, cannot chair the said Management Committee and thus, has no authority to settle the market in favour of any person. To substantiate his argument that the said Lyngdoh is under suspension, learned Sr. counsel has drawn the attention of the Court to an order dated 22-04-2024, passed in WP(C). No. 214 of 2023, wherein he submits at para 4, it has been clearly directed that if any issue arises with regard to the matters within the said clan, the same shall be referred to the respondent No. 1 for clarification or decisions. He therefore submits that the matter in issue, which deserves the consideration of respondent No. 1 was never brought to his notice and therefore, the impugned order was issued in this regard. It is further submitted that the respondent No. 3, on a complaint made, had also stayed the permission which had been granted on 22nd March, 2024, for leasing out the Umdohlun market. He further reiterates the submission made by learned Sr. counsel on behalf of the respondent No. 3 KHADC, and submits that the matter will be better served if the same is taken up as per the Regulation.

5. Mr. E.Nongbri, learned counsel appearing for the respondent No. 2, in support of the petitioner has submitted that though it is a fact that the



said Lyngdoh has been suspended, but the management continued under the Secretary, under whose authority the said market had been settled with the writ petitioner. He therefore, submits that the market being a private market and the management being intact, there is no illegality in settling the market with the writ petitioner.

6. Upon hearing the learned counsel for the parties, it is seen that firstly, the fact that any dispute with regard to markets being covered by the Market Regulation is undisputed and in such matters, the competent authority to decide the same had been provided in Regulation 21 of the said Regulation. In this regard, it is seen that the Acting Lyngdoh, one Shri. Phaiborlin Paliar had lodged a complaint with the said authority against the auction of the market which caused the respondent No. 3 to issue the order dated 09-04-2024, staying the permission.

7. On examination of the matter, it is clear that the dispute that has arisen with regard to the auction of the market, is linked to a larger question, which involves the suspension of the respondent Chairman of the Management Committee i.e. the Lyngdoh. Be that as it may, though the dispute does not concern the writ petitioner, who is only concerned with the settlement of market, the same involving disputed questions of fact and alternative remedy being available before the competent authority as given in the Regulation, in the considered view of this Court, that would be the



best forum where the grievances of the Acting Lyngdoh, or any other interested person can be addressed.

8. Without adverting further into the facts and without delving into the merits of the case, it is directed that the matter shall stand relegated to the Executive Committee, who shall then place the matter before the Executive Member Incharge Markets for adjudication. It is further provided that till such time the matter is decided, status quo shall be maintained with regard to management of the market. It is also further provided that the writ petitioner shall maintain proper book of accounts with regard to the tolls collected to be produced before the said authority.

9. The parties are put to notice to appear before the Executive Member Incharge Markets on 5th August 2024, at 10.30am. The learned Sr. counsel for the respondents KHADC, is also to inform the said authority accordingly. It is expected that the matter shall thereafter be disposed of as expeditiously as possible, preferably within a period of six weeks thereafter.

10. It is made clear that whatever views expressed by this Court shall not influence the adjudication of the matter in any way before the Competent authority.

11. With the above direction, matter stands closed and disposed of.

Judge



Signature Not Verified

Digitally signed by
SAMANTHA ANNA LIYA
RYNJAH
Date: 2024.07-25 10:25:05 IST