



Serial No.77

Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 147 of 2024

Date of Decision : 04.11.2024

Shri. Mottior Hussain

...Petitioner

-Versus-

1. State of Meghalaya, represented by the
Commissioner & Secretary to the
Government of Meghalaya,
Community & Rural Development Department,
Shillong, Meghalaya.
2. The Mission Director, State Rural
Employment Society (SRES), Shillong,
Meghalaya.
3. The Deputy Commissioner & District
Programme Coordinator, (MGNREGS)
West Garo Hills, Tura.
4. The Project Director, District Rural
Development Agency (DRDA), Tura,
West Garo Hills, Meghalaya.
5. The Block Development Officer (B.D.O.)
& Programme Officer,
Demdema C & RD Block, West Garo
Hills, Meghalaya.
6. Smti. Sobjan Bibi, Wife of Shri. Mintu
Mollah, President of Bhangarpar VEC,
Resident of Village – Bhangarpar, P.O-
Bhangarpar, P.S – Tikrikilla,
West Garo Hills, Meghalaya.



7. Smti. Samina Khatun, Wife of Shri Taher Ali, Secretary of Bhangarpar VEC, Resident of Village – Bhangarpar, P.O-Bhangarpar, P.S – Tikrikilla, West Garo Hills, Meghalaya.
8. Smti. Morjina Khatun, Women member of Bhangarpar VEC, Resident of Village – Bhangarpar, P.O-Bhangarpar, P.S – Tikrikilla, West Garo Hills, Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.K.Hassan, Adv.
Ms. M.Rahman, Adv.

For the Respondent(s) : Mz. Z.E.Nongkynrih, GA

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

1. Heard Mr. S.K.Hassan, learned counsel appearing for the petitioner and Ms. Z.E.Nongkynrih, learned GA appearing for the State respondents.



2. The grievance of the writ petitioner is that the Bhangarpar VEC which was reconstituted and approved on 10-05-2023 by the respondent No. 5, was without due process of election as provided by procedure. It has been prayed that the impugned order be set aside and that the respondent authorities be directed to conduct fresh free and fair elections of the said Bhangarpar VEC under Demdema C&R D Block, West Garo Hills.

3. Mr. S.K.Hassan, learned counsel for the petitioner has submitted that in the last duly constituted VEC which was functioning from 09-12-2020, the respondent No. 7, during the subsistence of the term had resigned on 24-01-2023. He submits that however, in the Gram Sabha meeting held on 09-04-2023, wherein the respondent No. 7 was present, she was re-elected as the Secretary of the VEC and approval of the same was given by the impugned order dated 10-05-2023. He contends that the entire episode of resigning and convening a meeting was just to facilitate the continuance in office by the respondent No. 7 as Secretary fo the VEC. He therefore, submits that the entire process being vitiated by illegalities, appropriate directions be issued for conduct of fresh elections.

4. Ms. Z.E.Nongkynrih, learned GA appearing for the State respondents has submitted that the Gram Sabha meeting held on 09-04-2023, was as per the Notice dated 03-04-2023, issued by the BDO (respondent No. 5), who is the competent authority, and that it was in this meeting that the



VEC was reconstituted, and as such, due approval was accorded. She further submits that though the said approval had been granted as far back as 10-05-2023, the petitioner had approached this Court only on 15-05-2024, after a year has elapsed of the new VEC's functioning. She further submits that the writ petitioner has never approached the BDO in this entire period, and even the RTI applications which are said to question the said election, does not reflect the same, as the queries contained therein are of a roving and general nature. She therefore submits that the writ application being hit by delay and laches, apart from not being sustainable in law for bringing forth disputed facts with regard to questioning the said meeting which was conducted on 09-04-2023, there is no merit in the writ petition and the same deserves to be dismissed.

5. Upon hearing the learned counsel for the parties, firstly, it is observed that the writ petitioner, who is stated to be a job card holder of Bhangarpar VEC, has approached this Court after over a year has elapsed since the reconstitution of the VEC by virtue of the said meeting which is now under question. Further, a perusal of the RTI queries, reflects that information was sought with regard to sanction work order, materials w.e.f. 30-12-2018 to 30-01-2024, detailed muster roll of the project for the same period, Gram Sabha proceedings and approval orders for the same period, and also detailed statements for all the work done, also for the same



period. To the mind of this court, the contention of the writ petitioner that pointed queries had been made with regard to reconstitution of the VEC and that the RTI applications had been made in this regard, does not hold any water, by looking at the general queries put therein. Further, it has to be kept in mind that the writ petition has been preferred after a period of one year has elapsed since the reconstitution of the VEC and as such, it is also hit by delay and laches.

6. However, notwithstanding the lapses on the part of the petitioner, on the question as to whether the election was held as per procedure and guidelines, he is permitted to file a representation before the respondent No. 5 who shall address the same expeditiously preferably within a period of six weeks from the date the representation is filed before the said respondent along with a copy of this order.

7. With the above directions, writ petition stands closed and disposed of.

Judge