



Serial No. 06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 200 of 2024

Date of Decision: 23.08.2024

Shri Abdul Mannaf

... **Petitioner(s)**

Versus

1. The Garo Hills Autonomous District Council,
Represented by its Secretary to the Executive Committee
Garo Hills Autonomous District Council, Tura
2. The Secretary to the Executive Committee,
Garo Hills Autonomous District Council, Tura
West Garo Hills, Meghalaya
3. The Chief Executive Member,
Garo Hills Autonomous District Council, Tura
4. The Executive Member, (Land and Revenue)
Garo Hills Autonomous District Council, Tura
5. Shri Mohubul Shiek,
S/o Shri Abdul Jolil,
R/o Borshibanda/Goladigli Part-II Village,
P.O. Bholarbhita, P.S. Phulbari,
District: West Garo Hills, Meghalaya, ...**Respondent(s)**

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner(s) : Mr. A.H. Hazarika, Adv.

For the Respondent(s) : Mr. S. Dey, Adv. with
Mr. S. Deb, Adv. (For R 1-4)
Mr. S.K. Hassan, Adv. (For R 5)



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. This matter has been fixed today for admission hearing, at the instance of the petitioner citing urgency.

2. Mr. A.H. Hazarika, learned counsel for the petitioner has submitted that the matter concerns the bifurcation of the petitioner's Village, of which he is the Goanbura namely; Borshibandha and Goladigli Part II. The petitioner he submits was appointed as the Goanbura for the said area since 23.03.2016, but however the respondents by the impugned notification dated 24.04.2024 have bifurcated the Borshibanda area and have created Gaonbura area of Goladigli Part-II, and thereafter appointed the respondent No. 5 as its Gaonbura.

3. It is asserted by the learned counsel for the petitioner that the entire proceedings were manipulated as the writ petitioner was never heard, nor given any notice in the entire process. He has drawn



the attention of this Court to the various complaints, the enquiry as also the order passed by the respondent District Council. The enquiry he submits was not a proper enquiry and the subsequent action of the respondents on the basis of the unsubstantiated complaints was arbitrary and illegal. He therefore, submits that due process has not been followed, and the bifurcation of the Village being done purely on extraneous consideration, as also the appointment of the respondent No. 5, the same requires to be interfered with by this Court.

4. Mr. S. Dey, learned counsel for the respondents Nos. 1 to 4, in reply has referred to the affidavit and has drawn the attention of this Court to the proceedings before the Deputy Chief Executive Member. It is submitted that it is not a fact that the petitioner was not present, inasmuch as, from the record itself, from the Hazira and from the order, it clearly reveals that the petitioner had actively taken part, and that only on being unsuccessful has come before this Court with the grounds as stated. He further submits that as per due process, an enquiry had been conducted and for administrative reasons as recorded, the respondent authorities had taken a decision to bifurcate the Village,



and to appoint a new Gaonbura for the same. He therefore, submits that no interference is called for from this Court.

5. Mr. S.K. Hassan, learned counsel for the respondent No. 5, supports the submissions made by Mr. S. Dey, and submits that it is not a fact that the petitioner did not take part in the proceedings.

6. Having heard the learned counsel for the parties, it is firstly seen that on the allegation that the petitioner was not heard, the material as produced reveals otherwise. The Hazira, though not on affidavit clearly shows the signature of the writ petitioner, which is not denied by the counsel. Further, it is noted that a copy of an enquiry has been annexed, though the same may not be exhaustive, however portrays the exact situation prevalent in the Village on that day. The order dated 05.03.2024, whereby a decision was made for creation of a new Gaonbura of Village Goladigli Part-II, has also been examined and from a bare perusal thereof, it is seen that the writ petitioner had taken part in the proceedings, and also had filed a written statement objecting to the said creation of a new Gaonbura area. This Court in consideration of the entire matter, is not sitting in appeal over the decision of the



District Council, which has been made for administrative reasons, but it is only to examine whether the rights of the writ petitioner had been violated in any manner, and whether he was not heard or allowed adequate opportunity, as alleged.

7. From the materials as placed and from submissions of the counsel, it appears that the writ petitioner had actively taken part in the proceedings, and has come before this Court being aggrieved with the said decision. It is to be noted that it is not a case where the writ petitioner has been removed from the office of Gaonbura, as he continues to be the Gaonbura of Borshibanda, but his only grievance lies with the bifurcation of the Village.

8. On the given facts and circumstances of the case, no case is made out for interference by this Court, and the writ petition accordingly stands dismissed.

Chief Justice (Acting)

Meghalaya
23.08.2024
"V. Lyndem-PS"