



Serial No. 21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 201 of 2024

Date of Decision: 13.09.2024

1. Shri. James Iangrai.
2. Shri. Fleming War.
3. Shri. Andrew Malngiang.
4. Shri. Tamlin Jitem.

...Petitioner(s)

-Versus-

1. The Khasi Hills Autonomous District Council,
Shillong through its Secretary.
2. One Man Election Tribunal,
Khasi Hills Autonomous District Council,
Shillong.
3. The Returning Officer for the Election of
Sirdar Mawlong Elaka,
Khasi Hills Autonomous District Council,
Shillong.
4. Shri Stephanson Laloo,
(Former Acting Sirdar and Now elected
Sirdar) Resident of Elaka Mawlong
Sirdarship, East Khasi Hills District,
Meghalaya.

...Respondent(s)

5. Shri. Banteisoh Malngiang,
Resident of Nongtdu, Elaka Mawlong
Sirdarship, East Khasi Hills District,
Meghalaya.



6. Shri. Blindar Lyngskor,
Resident of Nongduh, Elaka Mawlong
Sirdarship, East Khasi Hills District,
Meghalaya.

...**Porforma Respondent(s)**

Coram:

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

Appearance:

For the Petitioner(s) : Mr. Philemon Nongbri, Adv.

For the Respondent(s) : Mr. V.G.K. Kynta, Sr. Adv. with
Ms. C. Nongkhlaw, Adv. (For R 1-3)

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

1. The only grievance of the writ petitioner is with regard the dismissal of his election petition for default, on account of not being present when the matter was taken up for consideration.

2. It is submitted by Mr. Philemon Nongbri, learned counsel for the petitioners that the matter had been fixed before the One Man Election Tribunal on 14.05.2024, for recording of deposition, but however due to unavoidable circumstances in getting the affidavit



notarized, there was a delay of 1 ½ hours, in filing the same before the Tribunal. He submits that in spite of the explanation offered to the Tribunal, the same was not accepted and by the impugned order dated 14.05.2024, the election petition of the petitioner was dismissed. It is submitted that the dismissal of the election petition has deprived the writ petitioner of a remedy, as the subject matter in question is the challenge to the election of Mawlong Sirdarship. He therefore, prays that for the ends of justice, the impugned order be set aside and the proceedings be allowed to resume.

3. Mr. V.G.K. Kynta, learned Special counsel assisted by Ms. C. Nongkhlaw, learned counsel for the respondents Nos. 1, 2 & 3, has raised strong objections and submits that election matters being time bound, the same being before a specially constituted One Man Election Tribunal, the writ petitioner was duty bound to be present to pursue his case, but instead it appears that the writ petitioner by appearing late was not really interested in the same, which had resulted in the dismissal of the election petition.

4. The objections of the learned Special counsel on behalf of the respondents are noted and recorded. However, looking into the



entire aspects of the case, especially from the earlier notices fixing dates of the matter, it is seen that the matter was routinely fixed at 2:00 PM, but for recording of deposition it had been specially fixed at 12:30 PM. This Court looking into the circumstances of the case therefore, and the fact that except for this one day, there has been no negligence on the part of the petitioner in pursuing the matter, it is deemed a fit case that the Election Tribunal restore the case to file, for adjudication.

5. Accordingly, the impugned order dated 14.05.2024 is set aside and the One Man Election Tribunal is directed to re-fix dates, for commencement of the proceedings.

6. The matter stands allowed as directed above. Registry to forward a copy of this order to the One Man Election Tribunal, who has been arrayed as the respondent No. 2.

7. It is also noted that this matter has proceeded ex parte against the respondents Nos. 4, 5 & 6, though on receipt of notice, no appearance was made on their behalf.

8. The matter stands closed and is accordingly disposed of.



Chief Justice (Acting)

Meghalaya
13.09.2024
"V. Lyndem-PS"