

**Serial No.26**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

Cont.Cas(C). No. 19 of 2020 in  
WP(C). No. 238 of 2017

Date of Decision :15.02.2024

Smti. Ameliya Sohliya

Vs.

Shri. T.R.Marwein & Anr.

**Coram:**

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

**Appearance:**

For the Petitioner/Applicant(s) : Mr. S.Chakrawarty, Sr. Adv. with  
Mr. E.Laloo, Adv.

For the Respondent(s) : Mr. S.Dey, Adv.  
Ms. N.Rajee, Adv.

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

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

**ORAL**

1. This contempt application has been filed alleging violation of the orders of this Court dated 17-03-2017 passed in WP(C). No. 1 of 2015, order dated 18-04-2017 passed in WA. No. 4 of 2017 and order dated 19-02-2019 passed in WP(C). No. 238 of 2017.

**2.** The facts in brief are that the petitioner had a dispute with one Smti. Twes Nongsiej over a portion of land used for ingress and egress into the said neighbor's property which was a subject matter of a revenue case wherein, in the proceedings it was found that the disputed portion of land included a portion of the road constructed by the Public Works Department. The matter pursuant to an appeal before the Meghalaya Board of Revenue was then settled before the Lok Adalat on 11-12-2014. Thereafter, the said award was assailed by the said Twes Nongsiej before this Court by way of WP(C). No. 1 of 2015 which was disposed of by order dated 17-03-2017 without interfering with the impugned award. A writ appeal being WA. No. 4 of 2017 was preferred against the said order dated 17-03-2017 which was also disposed of by order dated 18-04-2017, upholding the order passed in WP(C). No. 1 of 2015. It was provided however, by this Court that if at all any department of the Government of Meghalaya should have any grievance with regard to the settlement, the same was to be ventilated and projected only by the said department.

**3.** It appears thereafter, a notice dated 14-08-2017 was issued by the respondent No. 2 directing the petitioner to remove her compound wall which allegedly encroached on the PWD Road. The petitioner then being aggrieved with the said notice, after issuing a legal notice approached this Court vide WP(C). No. 238 of 2017. This Court by order dated 19-02-2019

disposed of the writ petition by setting aside the notice dated 14-08-2017 but however, observed that, if there was any encroachment by the petitioner, the PWD should approach the appropriate forum and that hearing opportunity should be given to the parties in accordance with law.

**4.** The PWD authorities then under the signature of respondent No. 2 had issued a letter dated 22-05-2020, wherein the petitioner was called to file show cause reply along with other relevant documents to justify her occupation over the PWD land. The petitioner being aggrieved with the order on the stand that such action should have been by an appropriate authority and not by respondent No. 2, has therefore alleged that contempt has been committed by respondent No. 2.

**5.** Mr. S.Chakrawarty, learned Sr. counsel for the petitioner has argued that the contempt of the orders of this Court has clearly been made out, inasmuch as, inspite of the setting aside of the earlier notice of the PWD dated 14-08-2017, a second notice on the same lines and not by an appropriate authority has been issued by the respondent No.2. He therefore prays that contempt proceedings be initiated and the respondent No. 2 asked to show cause as to why he should not be punished for contempt.

**6.** Mr. S.Dey, learned counsel for the respondent No. 2 has submitted that the notice is totally different from the notice dated 14-08-2017, inasmuch as, the petitioner has only been asked to show cause and that it

would amount to proceedings that had been initiated as has been allowed by the orders of this Court. He submits that no contempt has been committed or can be attributed to respondent No. 2, and prays that the contempt application be closed.

7. Heard learned counsel for the parties.

8. It is first to be noted that the PWD authorities at the time of settlement and passing of award by the Lok Adalat was not party to the same and as such, were given the liberty by the orders of this Court, to ventilate their grievances or to take up the matter before an appropriate forum. In furtherance thereto, it appears the notice was issued. An examination of the notice dated 14-08-2017 and letter dated 22-05-2020, clearly shows that the same are not identical as sought to be made out by the petitioner, inasmuch as, while the former called for removal of encroachments, the latter only asked the petitioner to show cause and justify her alleged occupation over PWD land.

9. The issuance of the letter dated 22-05-2020, it appears was on a misconception as to the nature of proceedings that were to be adopted, and moreover, as observed above, the notice dated 14-08-2017 and letter dated 22-05-2020, were on different premises. Another aspect is that, this Court by its orders had permitted the PWD to ventilate their grievances, which

however had resulted in the letter in question on which the petitioner has alleged to be in contempt of the orders of this Court.

**10.** It is settled law that contempt power cannot be used unless the Court is satisfied beyond doubt that the disobedience was willful, deliberate and intentional. In the instant case, in the considered view of this Court, these aspects are absent and issuance of the letter dated 22-05-2020, though irregular, cannot be held to be contemptuous. Accordingly, no case of willful disobedience having been made out, this contempt application is dismissed.

**Judge**

Meghalaya  
15.02.2024  
"Samantha PS"