



Serial No.09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 214 of 2024

Date of Decision : 13.11.2024

Sri. Lunas D. Sangma

...Petitioner

-Versus-

1. State of Meghalaya represented by the
Principal Secretary, Ministry of
District Council Affairs.
2. KHADC, represented by the
Secretary of the Executive Committee,
KHADC.
3. Sri. Justphyngland Jyrwa,
Acting Sirdar, Dwara Nongtrynem
SIRDARSHIP, H.Q. Thyllaw Village,
P.O. & P.S. Mawsynram, District
East Khasi Hills.
4. Sri. Klurningson Donna
S/o (L) N. Iangjuh, Myntry, Dwara
Nongtrynem Sirdarship,
R.O. Ryngku Bazar Village
P.O. & P.S. Mawsynram,
District – East Khasi Hills.

...Respondents

Coram:

Appearance:

For the Respondent(s) : Ms. Z.E.Nongkynrih, GA for R 1.
Ms. F.Lamare, Adv. for R 2.
Mr. C.C.T.Sangma, Adv. for R 3.

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| 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 petitioner who is stated to be a permanent resident of Ryngku A Village, Mawsynram, East Khasi Hills, is before this Court with a prayer that the market which is as per his case unrecognized and yet to be recognized or regulated, be registered in accordance with the provisions of Section 5 of the Khasi Hills Autonomous District (Establishment, Management and Control of Markets) Regulation, 1979.

2. Mr. P.K.Borah, learned counsel for the petitioner submits that the Ryngku Bazar in the village is an existing market which has grown spontaneously in the course of the years and is not registered under the Regulation. He further submits that when the number of shops grew, the



respondent No. 4 who is unrepresented today, began collecting tolls from the persons who put articles to sell in the market. He contends that the market being unregulated and not a market of the Sirdar of the village, the action of the respondent No. 4 in imposing tolls is without any authority or jurisdiction.

3. Mr. C.C.T.Sangma, learned counsel appearing on behalf of the respondent No. 3, has on the earlier occasion, questioned the locus of the petitioner in bringing forward the petition and also submitted that if there is any grievance with regard to a market, the same should be agitated before the correct appropriate forum, which is the Executive Member Incharge Markets under the Regulation, under the control of the respondent No. 2, which is represented by Ms. F.Lamare, learned counsel today.

4. On hearing the learned counsel for the parties and examining the materials on record, there is nothing to show that the market has been recognized or regulated under any Regulation. As such, in view of the existence of an alternative remedy for redressal of the grievances of the writ petitioner, the petitioner is permitted to file an appropriate petition before the Executive Member Incharge Markets KHADC, Shillong, who shall then take up the matter and after affording adequate opportunity, pass orders thereon.



5. Mr. P.K.Borah, learned counsel for the petitioner prays that one month be allowed for the petitioner to present the said application. Prayer is allowed.

6. It is further provided that on the petition being presented, the Executive Member Incharge Elaka, shall dispose of the same most expeditiously, preferably within a period of three months thereafter.

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

Judge