



Serial No. 05
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 220 of 2024

Date of Decision: 25.06.2024

1. The Dorbar Shnong of Umladkhur Village

Represented by its Headman,
 Shri Rimon Lyngdoh,
 S/o Shri Ral Mulad,
 R/o Umladkhur Village, Elaka Amwi,
 Amlarem Civil Sub-Division-793150,
 West Jaintia Hills District, Meghalaya.

2. Smti Baiamonlang Tariang,

D/o Smti Iaineh Tariang,
 R/o Ladjapdem Village, Elaka Amwi,
 Amlarem Civil Sub-Division-793150,
 West Jaintia Hills District, Meghalaya.

...Petitioner(s)

Vs.

1. The Executive Committee,

Jaintia Hills Autonomous District Council, Jowai
 Represented by its Secretary,
 West Jaintia Hills District, Meghalaya

2. The Chief Forest Officer,

Jaintia Hills Autonomous District Council, Jowai,
 West Jaintia Hills District, Meghalaya

3. General Secretary of Raid Buam,

Represented by Shri Donbok Buam,
 S/o Shri Shing Buam,
 R/o Ladjapdem Village,
 Amlarem Civil Sub-Division,
 West Jaintia Hills District, Meghalaya.

.... Respondent(s)

4. The Dolloi of Elaka Amwi,

Mupyut Village, Elaka Amwi,
 Amlarem Civil Sub-Division,
 West Jaintia Hills District, Meghalaya .. **Proforma Respondent(s)**



Coram:

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

Appearance:

For the Petitioner(s) : Ms. P.S. Nongbri, Adv. with
Mr. M.A. Laitmon, Adv.

For the Respondent(s) : Dr. N. Mozika, Sr. Adv. with
Mr. M.L. Nongpiur, Adv. (For R 1&2)
Mr. J. Shylla, Adv. (For R 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. Heard Ms. P.S. Nongbri, learned counsel for the petitioners.

2. Dr. N. Mozika, learned Senior counsel assisted by Mr. M.L. Nongpiur, learned counsel is present on behalf of the respondents Nos. 1 & 2, and Mr. J. Shylla, learned counsel has filed his power on behalf of the respondent No. 3.

3. As the issue in question is short, this matter is being disposed of at the motion stage itself.



4. The complaint of the writ petitioners is that the respondent No. 3, represented by the General Secretary of Raid Buam, had without notice to the petitioners Nos. 1 & 2, who are vitally interested, had sought for registration of a forest as Law Ri Sumar situated at Elaka Amwi, before the Chief Forest Officer of the Jaintia Hills Autonomous District Council, Jowai. It is further submitted that pursuant to this application, notices was issued only to the Dolloi of Elaka Amwi (Proforma respondent No. 4), the General Secretary of Raid Buam and to the Assistant Forest Officer, whereby without the knowledge of the petitioners, the registration was allowed for an area measuring 5226.03 Hectares.

5. It is contended by the learned counsel for the petitioners that the entire exercise was conducted behind their back, and further that the said registration was made on the basis of a recommendation given by a former Dolloi on 12.10.1979. She submits that this is in violation of Section 18 (11) of *The Jaintia Hills Autonomous District (Establishment of Elaka and Village and Election, Appointment, Powers and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act, 2015*. She therefore, prays that the grant of the registration being illegal and without due process the same be set aside, and the matter be examined afresh.



6. Dr. N. Mozika, learned Senior counsel assisted by Mr. M.L. Nongpiur, learned counsel for the respondents Nos. 1 & 2, has at the outset raised objections as to the joinder of the petitioners and submits that the petitioners Nos. 1 & 2 have separate causes of action. He further contends that as per rules framed under *The United Khasi Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1958* at Rule-7, it has been provided that any appeal against the order of the Chief Officer shall lie to the Executive Committee, and as such the writ petition is not maintainable at this stage.

7. It is further submitted by the learned Senior counsel that the petitioner No. 2, as evident from Annxure-9 annexed to the writ petition, has already approached the Executive Committee against the registration of the forest of Raid Buam, and that the same is under consideration with notice being issued to the interested parties. He therefore, submits that at this stage, no interference is called for, inasmuch as, statutory remedy is being availed of, by the petitioner No. 2. It is further submitted that notices have been issued to the respondent No. 3 and to the Chief Forest Officer, but however, no notice has been issued to the petitioner No. 1.



8. Mr. J. Shylla, learned counsel who has entered appearance on behalf of the respondent No. 3, has raised strong objections to the prayers made in the writ petition and submits that there is already a civil suit pending between the petitioner No. 1 and the respondent No. 3. He further submits that the contention of the writ petitioners that the Village is situated within the Raid Buam is incorrect, inasmuch as, as per the map issued by the Chief Forest Officer, the Village has been excluded from the said registration. He therefore, prays that the writ petition be dismissed, as the same has resulted in multiplicity of litigation.

9. Ms. P.S. Nongbri, learned counsel for the petitioners has rebutted the submissions made by the respondents and submits that the petitioners have approached this Court, as there are disturbances in the cultivation of the villagers, apart from other disturbances, being caused by the respondent No. 3.

10. After hearing the learned counsels for the parties, it is noted that the Chief Forest Officer had registered the forest on 08.12.2022, and that as submitted by the petitioners, knowledge of the registration came to be known only in December, 2022, for which a representation and other objections have been filed. It is further noted and as submitted by the learned Senior counsel for the respondent



District Council, that any order of the Chief Forest Officer is appealable under the Rules, before the Executive Committee, and from the materials on record, it is seen that the petitioner No. 2 has filed objections on 11.03.2024 before the Executive Committee, Jaintia Hills Autonomous District Council, which can be treated as an appeal under the Rules.

11. In these view of the matter and as the same is yet to be decided, notwithstanding the fact that the petitioner No. 1 is not a party thereto, it is hereby directed as follows:-

- i) The objections to the registration of the forest of Raid Buam filed by the petitioner No. 2 before the Executive Committee shall be taken up and registered as a regular appeal, against the registration dated 08.12.2022.
- ii) The respondents Nos. 1 & 2 in this regard, shall issue notice to the concerned Villages namely; Headman of the Thangbuli, Headman of Umladkhur (Petitioner No. 1), Headman of Shkentalang and Headman of Jarain, to enable them to participate in the proceedings.
- iii) The petitioner No. 1 is also at liberty to place any further materials as considered necessary for consideration, and as it has been submitted that a complaint against the registration is



pending before the Chief Forest Officer, filed by the petitioner No. 1, the same shall also be taken up by the Executive Committee, along with the appeal.

- iv) The appeal thereafter, after the notices are complete and other materials filed, shall be taken up and disposed of preferably within a period of 6(six) months.
- v) As apprehensions have been raised of the possibility of disturbances, it is directed that the parties particularly the petitioner No. 1, shall not cause any disruption or disturbances in the area, and the respondents Nos. 1 & 2, shall ensure that no party in their own capacity or otherwise cause any disturbances.

12. With the above directions, this matter stands closed and is disposed of.

JUDGE

Meghalaya
25.06.2024

VALENTINO
LYNDEM

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