



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C)] No. 115 of 2024 in
WP(C) No. 209 of 2024

Date of Decision: 14.11.2024

Shri. Brylllenhenry Syiemiong
 S/o (L) Berally Thongni
 R/o Phlangdiloin Village, Langrin
 Syiemship, South West Khasi Hills
 District, Meghalaya

.....Applicant

-VERSUS-

Shri. Nongtei Singh Syiemiong
 S/o S. Thongni,
 R/o Phlangmawprah Village/Langrin Syiemship,
 South West Khasi Hills District, Meghalaya

.....Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. H.L. Shangreiso, Sr. Adv. with Ms. P. Biswakarma, Adv.
For the Respondent(s)	: Mr. P. Nongbri, Adv. with Mr. M.L. Nongpiur, Adv.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

ORDER



1. In a writ petition registered as WP(C) No. 209 of 2024 pending before this Court, the applicant herein has sought to get himself impleaded as a party respondent, this application being preferred under the provision of Order 1 Rule 10 of the Code of Civil Procedure.
2. Heard Mr. H.L. Shangreiso, learned Sr. counsel who has submitted that the respondent/petitioner has challenged his suspension as the Syiem of Langrin which was issued by the Khasi Hills Autonomous District Council (KHADC) vide relevant order dated 18.08.2023 and another order of even date, whereby the applicant herein was appointed as the Acting Syiem of Hima Langrin was also challenged by the respondent/petitioner before this Court in WP(C) No. 279 of 2023.
3. It is the submission of the learned Sr. counsel that the respondent/petitioner has also challenged the order whereby the KHADC vide order dated 21.08.2023 had instituted an inquiry against him and an Inquiry Officer was also appointed in this regard. This order dated 21.08.2023 was brought on record by the respondent/petitioner by way of an additional affidavit filed in the said WP(C) No. 279 of 2023.
4. This Court vide judgment dated 05.12.2023 had turned down the prayer of the respondent/petitioner in WP(C) No. 279 of 2023, which includes the prayer for setting aside the said order appointing the Inquiry Officer dated 21.08.2023.
5. The learned Sr. counsel has then submitted that the respondent/petitioner has preferred an intra-court appeal before a Division Bench of this Court assailing the said judgment dated



05.12.2023 passed by this Court in WP(C) No. 279 of 2023.

6. During the pendency of the said appeal, the respondent/petitioner has filed another writ petition being WP(C) No. 209 of 2024 challenging the order of inquiry dated 21.08.2023 (supra).

7. It is the contention of the learned Sr. counsel that since the applicant was a party in the earlier writ petition, that is, WP(C) No. 279 of 2023 as well as a party respondent in the related appeal being WA No. 1 of 2024, therefore since inter alia, the subject matter of the said appeal as well as the present writ petition pending before this Court is the order of inquiry dated 21.08.2023, the applicant is therefore required to be impleaded in the said WP(C) No. 209 of 2024. Hence this application.

8. Per contra, Mr. P. Nongbri, learned counsel for the respondent/petitioner while refuting the contention and submission of the learned Sr. counsel for the applicant, has submitted that the main ground of appeal before the Division Bench of this Court is with regard to the finding of this Court on the issue of “suspension pending inquiry” and the findings thereof. There is no challenge as to the issuance of the order initiating the inquiry against the respondent/petitioner dated 21.08.2023 or for that matter, the appointment of the Inquiry Officer therein was also not challenged in the said appeal.

9. The learned counsel has further submitted that the present petition is only to challenge the process and procedure undertaken in course of the inquiry against the respondent/petitioner and as such, the applicant not being connected or involved in the process of inquiry, there



can be no question of him being made a party respondent in the case.

10. This Court has noted the argument of the learned counsel for the rival parties including the written synopsis brought on record. Before proceeding with the contentions raised by the parties herein, it may not be out of place to briefly state the principles of Order 1 Rule 10 of the Code of Civil Procedure, which essentially allows any person whose rights or interest in a litigation to be joined therein and also if any relief is sought for from such person(s). In short, the suit or litigation could not have proceeded without such person(s) being brought on board. All such necessary parties must be joined to ensure that there is proper adjudication and all relevant issues duly answered.

11. The factual account of the case of the parties, also connected to the earlier WP(C) No. 279 of 2023, judgment of which is now in appeal, is that the order of inquiry as well as the appointment of an Inquiry Officer vide the order dated 21.08.2023, which figured in the earlier writ petition, this Court having directed the petitioner therein to participate in such inquiry, the learned counsel for the respondent/petitioner has fairly submitted that such part of the direction of this Court has not been appealed against in the said appeal, that is, WA No. 1 of 2024, where only the finding of this Court on the issue of “suspension pending inquiry” was challenged.

12. The learned Sr. counsel for the applicant has however contended that the judgment of this Court dated 05.12.2023 as a whole was assailed by the respondent/petitioner in the said appeal and the applicant being a party respondent in the appeal, when the



respondent/petitioner has challenged the self-same order of inquiry dated 21.08.2023 in the present writ petition, he is therefore a necessary party to these proceedings.

13. This Court is however in agreement with the contention of the learned counsel for the respondent/petitioner that in the earlier writ petition, that is, WP(C) No. 279 of 2023, the order of inquiry dated 21.08.2023 was challenged, however, on the direction of this Court, the respondent/petitioner had participated in the said inquiry and finding that the process and procedure adopted in conduct of the said inquiry not being proper, therefore this Court is now approached by way of a writ petition being WP(C) No. 209 of 2024. The applicant not being a part of the said inquiry proceedings, he therefore cannot come before this Court to say that the process and procedure adopted is just and proper or otherwise. He is therefore not connected to the issue involved and cannot be said to be a proper or necessary party in the proceedings.

14. On the basis of the above observations, this application is found to be unjustified and without merits, accordingly the same is hereby dismissed.

15. Misc. case stands disposed of. No costs.

Judge