



Serial No.21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 295 of 2023

Date of Decision : 26.11.2024

Smti. Salchira Salchame Mrong Marak
D/o Shri. L.B.Sangma, IPS (Retd)
R/o Red Hills Road, Laitumkhrah,
Shillong, East Khasi Hills District,
Meghalaya.

...Petitioner

-Versus-

1. Dorbar Shnong Umphyrnai,
Khyrim Syiemship,
East Khasi Hills District, Meghalaya.
2. Sordar Shnong,
Dorbar Shnong Umphyrnai,
Khyrim Syiemship ,
East Khasi Hills District, Meghalaya.
3. Khasi Hills Autonomous District Council,
Lumdiengjri, Shillong,
East Khasi Hills District,
Meghalaya.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.Sen, Adv.
Mr. M.U.Ahmed, Adv.

For the Respondent(s) : Mr. M.A.Laitmon, Adv. for R 1&2.
Mr. T.T.Diengdoh, Sr. Adv. with
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 |
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JUDGMENT AND ORDER (ORAL)

1. The petitioner who is stated to have purchased a plot of land situated at Umphyrnai Village under Khyrim Syiemship, is before this Court for directions to issue to the respondents No. 1 & 2 to not interfere, or to cause any obstruction in the house construction being carried out by the petitioner in her property.

2. The brief facts are that, it appears the petitioner had acquired a plot of land by a registered Sale Deed dated 30-03-2017, situated at Umphyrnai Village and the same was registered before the Sub-Registrar. It is submitted that during the course of construction, the village Dorbar had



objected to the same and had also recalled the NOC which had been issued.

3. Mr. S.Sen, learned counsel for the petitioner submits that as the sale was bonafide and the writ petitioner was in peaceful possession of the plot of land, the action of the respondents No. 1 & 2 is arbitrary and illegal.

4. Mr. M.A.Laitmon, learned counsel appearing on behalf of the respondents No. 1 & 2, has refuted the submission of the learned counsel for the petitioner and submits that the Dorbar Shnong wherein this land was situated was unaware about the said transaction and further, whatever NOC that had been granted was given to the original owner, one Donbokstar Wahlang, who had sold the piece of land to the petitioner. He further submits that the NOC for electricity given to the writ petitioner was in good faith and ignorance. He lastly submits that the Dorbar Village community is concerned with the manner in which the entire transaction happened without the knowledge of the Dorbar Shnong or the community. As such, he submits the NOC that had been given to the earlier owner had been withdrawn.

5. Mr. T.T.Diengdoh, learned Sr. counsel assisted by Mr. C.C.T.Sangma, learned counsel appearing on behalf of the newly



impleaded respondent No. 3 District Council, has submitted that now with regard to any construction, the State Government, by a Notification dated 15-04-2021 has notified the Khasi Hills Autonomous District Council to be the authority for granting any such permission under the Meghalaya Building Bye Laws, 2021, and that for any construction, permission first has to be sought from the respondent No. 3 under the relevant bye law. He submits that the matter can be referred for consideration before the competent authority, or the writ petitioner be at liberty to approach the same for necessary permission.

6. It is noted that in this matter, as per the submissions of Mr. M.A.Laitmon, learned counsel for the respondents No. 1 & 2, the Dorbar Shnong and village community was not aware about the purchase of land by the petitioner or the proposed construction and as such, the same has led to the present situation. In fact from the records, it is noted that a Title Suit had even been filed by the petitioner in the year 2020 for declaration of title, which was subsequently withdrawn on 24-05-2023.

7. In this context, it is felt necessary to observe that in traditional societies, especially in Khasi villages, for a person before becoming part of a community or seeking residence in a particular village, certain practices have evolved which are maintained, such as, the customs and practice, that



the person concerned, informs the village authorities. This, in the considered view of this Court is for the safety, security and wellbeing of the residents and also to enable them to know the identity of the person seeking residence.

8. However, as the law regarding obtaining permissions and NOCs for construction has been notified vide Notification dated 15-04-2021, though the same is much after the plot of land had been acquired and construction started, it is directed that the respondent No. 3, on an appropriate application being filed by the petitioner dispose of the same in accordance with law.

9. The petitioner is expected to put in the application within 60 (sixty) days from the date of this order.

10. As it is submitted that the construction has commenced since 2018, the respondents while considering the building permission shall take this factor into account in deciding the matter.

11. With the above directions, this writ petition stands disposed of.

Judge