



Serial No.23
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 296 of 2023

Date of Order : 09.09.2024

Shri. Craig Alan Lyngdoh

...Petitioner

-Versus-

1. Union of India, Represented by
Secretary Ministry of Power, New Delhi.
2. State of Meghalaya, Represented by the
Chief Secretary, Government of Meghalaya,
Shillong.
3. M/s Power Grid Corporation of India Limited,
Represented by its Deputy Manager, Lapalang,
Shillong, East Khasi Hills District, Meghalaya.
4. Chief Manager, NERPSIP Lapalang, Shillong,
East Khasi Hills District, Meghalaya.
5. General Manager, NERPSIP, Power Grid Shillong,
East Khasi Hills District, Meghalaya.
6. Chief Engineer (T), MePTCL, Lumjingshai,
Shillong, East Khasi Hills District, Meghalaya.
7. Commissioner and Secretary (Power),
Government of Meghalaya.
8. Director (Transmission) MePTCL, Shillong,
East Khasi Hills Meghalaya.
9. Deputy Commissioner (Revenue),
East Khasi Hills District, Meghalaya.



10. Block Development Officer,
Mawphlang C&RD Block.
East Khasi Hills District, Meghalaya.
11. Khasi Hills Autonomous District
Council (K.H.A.D.C) represented by
Secretary Executive Committee, Shillong,
East Khasi Hills District, Meghalaya.
12. Chief Executive Member,
Khasi Hills Autonomous District
Council (K.H.A.D.C), Shillong.
13. Shri. Khamborlang Kharshandi
S/o Smti. J. Kharshandi
R/o Mawngap Khlieh Shnong,
Mawphlang Lyngdohship,
East Khasi Hills District, Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner/Applicant(s) : Mr. H.R.Nath, Adv.

For the Respondent(s) : Mr. R.Debnath, CGC for R 1.
Mr. S.Sen, GA for R 2,7,9 & 10.
Mr. N.Khera, Adv. for R 3, 4, & 5.
Ms. R.Colney, Adv. for R 6 & 8.
Mr. V.G.K.Kynta, Sr. Adv. with
Ms. C.Nongkhlaw, Adv. for R 11&12.
Mr. S.R.Lyngdoh, Adv. for R 13.

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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. This writ petition has been brought before this Court by the petitioner questioning the manner of release of compensation and the fixation thereof, with regard to the land needed for erection of towers by the respondents No. 3, 4 & 5, under the North Eastern Region Power System Improvement Project (NERPSIP).

2. The core of the issue in question, appears to be the claim and counter claim by the petitioner who is the Lyngdoh of Hima Mawphlang on behalf of the Mawphlang Lyngdohship and the respondent No. 13 who is the Ex-Headman of village Mawngap Khlieh Shnong with regard to the land to be used for erection of the tower (ROW or User Right) for which appropriate compensation was to be paid.

3. In the course of the proceedings, it has been placed on affidavit that the construction, erection of the transmission lines had been defined as in the 4 stretches as follows:

- I. AP 268 to AP 269
- II. AP 269 to AP 270
- III. AP 04 to AP 05
- IV. AP 265 to AP 272

It is also apprised to the Court that the compensation amount for the aforementioned stretches I and II have already been released to the respondent No. 13, and as per the submission of the learned counsel for the



respondent No. 13, thereafter it has been released to the rightful owners. As for the stretch III AP 04 to AP 05 is concerned, the amount has been compensated and disbursed to the petitioner. The only compensation that is left to be disbursed is with regard to stretch AP 265 to AP 272 for which the parties as per the State respondents, have submitted that there is no dispute with regard to entitlement of the rightful owners to the same.

4. Mr. H.R.Nath, learned counsel for the petitioner has submitted that the grievance of the petitioner is with the fact that for stretches I and II, though initial negotiations and fixation of compensation was with the petitioner, however, at a later stage on the NOCs being issued by the respondent No. 13, the matter was settled with the said respondent No. 13. Though no prayer has been made in the writ petition for recovery, he submits that the writ petitioner is entitled to recover the same.

5. Mr. S.Sen, learned GA on behalf of the respondents No. 2, 7, 9 & 10 submits that any disputes that may arise with regard to the quantum or with regard to the claims to compensation is to be dealt with under the Indian Telegraph Act for which a provision is available, by way of Section 16. He further submits that as the compensation for the stretches I and II has already been disbursed, the writ petitioner if still aggrieved, can avail of alternate remedy. He further submits that in view of the submissions of the petitioner and the respondent No. 13 that with regard to stretch IV, there is



no quarrel with the entitlement of rightful owners to the compensation for AP 265 to AP 272, nothing remains for consideration in this writ petition.

6. Mr. S.R.Lyngdoh, learned counsel for the respondent No. 13 has submitted that the respondent No. 13, has been victimized by the petitioner for reasons best known to him and infact on receipt of the compensation amount, the respondent No. 13 himself had handed over the same to the rightful recipients. He also endorses the submission of the learned GA with regard to stretch IV that it is situated in the different village and that the respondent No. 13 and the petitioner have no claim over it.

7. Mr. V.G.K.Kynta, learned Sr. counsel assisted by Ms. C.Nongkhlaw, learned counsel on behalf of the respondents KHADC in his usual fairness has submitted that the council has nothing to submit as it appears to be a dispute between the Hima and the Shnong.

8. Mr. N.Khera, learned counsel for the Power Grid respondents No. 3, 4, & 5 has endorsed the submissions made by Mr. S.Sen, learned GA and submits that on the part of the respondents No. 3, 4, & 5, the compensation amount has already been deposited with the Deputy Commissioner for disbursal.

9. Mr. R.Debnath, learned CGC for the respondent No. 1 and Ms. R.Colney, learned counsel for the respondents No. 6 & 8 submit that they being a formal party have no submissions to advance.



10. Having heard learned counsel for the parties, what can clearly be seen is that there is a standing dispute between the petitioner and the respondent No. 13 who have raised the claims and counter claims with regard to jurisdiction, control or ownership over the land as to whether the same is Ri Raid or Ri Kynti. This Court sitting in writ jurisdiction cannot enter into the realm of disputed facts to decide the title. On the aspect to recovery, though no prayer has been made in the writ petition, the writ petitioner is at liberty to take whatever appropriate action it is deemed necessary. As far as the remaining compensation is concerned, as there is no dispute as to the stretch IV AP 265 to AP 272, as submitted by the parties, nothing remains for consideration before this Court and the writ petition is accordingly disposed of.

Chief Justice (Acting)