

**Serial No.28****Regular List**

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 349 of 2024Date of Decision : 16.12.2024

The Executive Committee,
Dorbar Shnong Mawngap Khliehshnong,
Represented by the Executive Member,
Shri. Phimonstar Shylla,
R/o Mawngap Khliehshnong,
Mawphlang Lyngdohship,
East Khasi Hills District, Meghalaya.

...Petitioner

-Versus-

1. The Khasi Hills Autonomous District Council,
Represented by its Secretary.
2. Shri. Craig Alan Lyngdoh,
The Lyngdoh
Hima Mawphlang Lyngdohship.
3. Shri. Osterlan Khyriem,
Acting Headman
Mawngap Khliehshnong.
4. Shri. Khamborlang Kharchandi,
Ex-Headman,
Mawngap Khliehshnong.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.R.Lyngdoh, Adv.
Mr. K.V.E.Kharnongbak, Adv.

For the Respondent(s) : Mr.T.T.Deingdoh, Sr. Adv. with
Mr. C.C.T.Sangma, Adv. for R 1.
Mr. H.R.Nath, Adv. with
Mr. R.Kharshiing, Adv.
Mr. I.B.Nongrum, Adv. for R 2 & 3.
Ms. I.S.Lyngdoh, Adv. for R 4.

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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. This matter concerns the office of the Headman of Mawngap Khliehshnong under the Hima Mawphlang Lyngdohship. Due to certain disputes that had arisen with regard to administration of the village, the earlier Headman who has been arrayed as proforma respondent No. 4 was removed on 23-12-2022 and the respondent No. 2 then had appointed respondent No. 3 to be the Acting Headman of the said village. With the efflux of time, the term of the Headman has also expired and though



certain issues still remain, as per customary practice, the village is to elect a new Headman.

2. Mr. S.R.Lyngdoh, learned counsel for the petitioner of whom the locus to present the instant writ petition has also been questioned, has submitted that irrespective of other issues, the petitioner was compelled to come before this Court for settlement and for adjudication of the matter, and further that the villagers were not happy with the appointment of the respondent No. 3 as the Acting Headman.

3. Mr. H.R.Nath, learned counsel for the respondents No. 2 & 3, submits that though not disputing the fact that the village is due for elections on the expiry of the term of the past Headman, has however, expressed before this Court the difficulties in conducting the same on account of the demise of a Myntri who is a member of the Executive Dorbar, which makes such decisions on behalf of the Hima Mawphlang and Dorbar. He further submits that it is not a case that the respondent No. 2 is opposing the democratic process, but due to the difficulties as expressed, he submits that the conduct of elections will not be possible, in the near future.



4. Mr. T.T.Diengdoh, learned Sr. counsel assisted by Mr. C.C.T.Sangma, learned counsel appearing for the respondent No. 1 as Special counsel, has submitted that though as per the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act of 1959, the nominations or elections of Headman shall be reported or as the case may be, elections be conducted by the Chief and his Dorbar who shall then send the information to the Executive Committee as given in Section 7 (i) thereof, however, in the event that a situation demands, the Executive Committee may on an application or on its own initiative conduct the election of Headman and also issue the appointment letter if the Chief and his Dorbar fails do so.

5. This Court notes that this case has a chequered history in view of the fact that the removal of the earlier Headman was due to claims and counter claims between the Hima and the Village with regard to Raid land for which certain compensation had been released by the Power Grid Corporation. This Court also notes that this is the second round of litigation with regard to the same issue which has been preferred by two different entities. What is clear however, from the entire sequence of events is that there is a tussle between the respondent No. 2 and the petitioner with regard to the appointment of respondent No. 3 as Acting Headman.



6. This Court, therefore, to bring a quietus to the issue and to ensure that the customary democratic process is adhered to, more so, in recognition of the fact that the respondent No. 2 Lyngdoh, has expressed his difficulty, directs the respondent No. 1 as per Section 7 (iii) of the Act of 1959, to initiate the process and conduct the elections to the post of Headman of Mawngap Khliehshnong. The same should preferably be concluded within a period of one month from the date a copy of this order is presented before the respondent No. 1. The respondent No. 2 is also directed to cooperate with the District Council in the conduct of the elections. The proforma respondent No. 4 in the meanwhile shall remit all the necessary documents, keys and other materials of the office of the Headman to a designated Officer of the respondent No. 1 who shall keep the same in safe custody until a new Headman is elected.

7. As ordered above, the matter stands closed and disposed of.

Judge