



Serial No. 17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 365 of 2024

Date of Decision: 18.11.2024

1. Shri Sbari Mawlong

2. Shri Riborshai Mawlong

... Petitioner(s)

Versus

1. The Khasi Hills Autonomous District Council, Shillong
Represented through its Secretary

2. The Executive Committee, I/C Elaka,
Khasi Hills Autonomous District Council, Shillong

3. The Secretary/Deputy Secretary/Under Secretary to
The Executive Committee.
Khasi Hills Autonomous District Council, Shillong

4. The Syiem of Myllem,
Myllem Syiemship,
Mawkhar, Shillong.
East Khasi Hills District.

5. The Lyngdoh of Sohiong,
Sohiong Lyngdohship,
East Khasi Hills District, Meghalaya.

..... Respondent(s)



Coram:

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

Appearance:

For the Petitioner(s) : Mr. H.L. Shangreiso, Sr. Adv. with
Ms. M. Hajong, Adv.

For the Respondent(s) : Mr. T.T. Diengdoh, Sr. Adv. with
Mr. R. Kharsyad, Adv. (For R 1-3)
Mr. W. Jyrwa, Adv. (For R 4)
Mr. C.C.T. Sangma, Adv. (For R 5)

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. The petitioner No. 1, who is stated to be the Headman of Mawlaingut-A Village and the petitioner No. 2 the Headman of Mawlaingut-B Village, are before this Court being aggrieved with the orders dated 13.06.2022 and 23.09.2024, whereby the Executive Committee had ordered that Mawlaingut falls under the administration and jurisdiction of Myllem Syiemship i.e. the Respondent No. 4.



2. Mr. H.L. Shangreiso, learned Senior counsel assisted by Ms. M Hajong, learned counsel for the petitioners has submitted that the Executive Member had exceeded his jurisdiction in passing the impugned orders, inasmuch as, the matter concerns the territorial jurisdiction of Lyngdohship of Sohiong vis-à-vis the Myllem Syiemship, and the same should have been adjudicated before a duly constituted Tribunal, as given in *The Khasi Hills Autonomous District (Administration of Elaka) Act, 1991*. He further submits that as the orders are without any jurisdiction, the same may be set aside and the matter be referred to a Tribunal to be constituted by the respondents Nos. 1, 2 & 3.

3. Mr. T.T. Diengdoh, learned Senior counsel assisted by Mr. R. Kharsyad, learned counsel for the respondents Nos. 1, 2 & 3, has also concurred to the submissions and fairly submitted that it appears that the matter had been taken by a Single Executive Member, and it would be in the interest of justice if the matter is taken up by a Tribunal to be constituted under the Elaka Act.

4. Mr. W. Jyrwa, learned counsel for the respondent No. 4 (Syiem of Myllem) also submits that they will abide by any order passed by a Tribunal in any proceedings, if the same is constituted.



5. Having heard the learned counsel for the parties and perused the material on record, it is seen from the face of the impugned order dated 13.06.2022 itself, that the same is authored by the Executive Member i/c Elaka Administration on his own, and the second impugned order 23.09.2024, is a notification with regard to the said order.

6. In view of the submissions of the learned counsel for the parties, this Court therefore directs that the respondents Nos. 1, 2 & 3, constitute an appropriate Tribunal to look into the matter on an application being filed, before the Executive Committee.

7. Accordingly, this matter is disposed of with a direction that the aggrieved parties i.e. the petitioner No. 1 and the petitioner No. 2, shall approach the Executive Committee, who on receipt of an appropriate application shall direct for constitution of a Tribunal, to adjudicate upon the matter in issue, and thereafter shall dispose the same in accordance with law.

8. Consequent on the directions, the impugned orders dated 13.06.2022 and 23.09.2024, shall stand set aside and status quo directed to be maintained till the proceedings are concluded or orders are passed by a competent authority.



9. Mr. H.L. Shangreiso, learned Senior counsel prays for 4(four) weeks' time to enable the petitioners to present the said applications.

10. Prayer is allowed.

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

JUDGE

Meghalaya
18.11.2024
"V. Lyndem-PS"