



Serial No.40
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 477 of 2022

Date of Decision : 16.10.2024

1. Shri. Md. Sekender Ali.
2. Shri. Salu Mia.
3. Shri. Fulu Mia.

...Petitioners

-Versus-

1. The State of Meghalaya represented by its
Commissioner and Secretary,
Revenue and Disaster Management,
Shillong.
2. The Deputy Commissioner,
South West Garo Hills,
Meghalaya.
3. Smti. Johora Bewa of Majerchar No. 1,
Nayapara, P.S. Mahendraganj,
South West Garo Hills.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. D.Hynniweta, Adv.

For the Respondent(s) : Mr. H.Kharmih, Addl.Sr.GA for 1&2.
Mr. P.R.Paske, 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. This writ petition has been filed with a prayer to direct the respondent No. 2 to dispose of the petitioners' application filed under Section 8 of the Meghalaya Transfer of Land (Regulation) Act, 1971. It is submitted that the petitioners have been constrained to approach this Court in view of the fact that since filing of the said application which was received by the office of the respondent No. 2, as far back as in 2022, nothing has proceeded after that.

2. Mr. D.Hynniewta, learned counsel for the petitioners prays that the writ petition can be disposed of only with directions that the application be taken up by the respondent No. 2, and orders passed thereon.

3. Mr. P.R.Paske, learned counsel for the respondent No. 3, has however submitted that the application at this stage will not be maintainable, in view of the fact that the subject matter in issue i.e. the plot of land in question is already pending before the Civil Court, and that the Trial Court on 26-04-2019, had decreed the suit in favour of the respondent No. 3, who was the plaintiff therein, and the petitioner No. 1 the defendant.



4. Attention of this Court has also been drawn to the affidavit filed by the respondent No. 3, wherein the Judgment Decree has been enclosed. Further, it is submitted by Mr. P.R.Paske, learned counsel for the respondent No. 3 that the issue raised now by the petitioner is already the subject matter of the suit itself, and that the appeal against the Judgment Decree is pending. He therefore, submits that at this stage, no orders are called for and the writ petition be dismissed.

5. This Court having heard the learned counsel for the parties and on perusal of the materials as placed, notes that the suit had been decreed in 2019, whereas the application by the writ petitioners under Section 8 of the Meghalaya Transfer of Land (Regulation) Act, 1971, had been filed only on July 2022, after the said suit had been decreed. It is not understood as to how the petitioners at this stage seeks to raise a matter which was already a subject in issue in the civil proceedings.

6. In this view of the matter, there is nothing for consideration in the instant writ application and same is accordingly dismissed.

Judge