

Serial No. 08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 369 of 2023

Date of Order: 06.03.2024

Smti. Sainara Nongbet,
D/o (L) Suntia Nongbet
Resident of Upper Lansonalan, Jaiaw,
Shillong, East Khasi Hills District,
Meghalaya

::: Petitioner

-Vs-

1. The Syiem of Myllem,
Office of the Syiem Myllem,
Mawkhar, Shillong.
East Khasi Hills District, Meghalaya
2. The Dorbar Shnong Mairungheh,
Represented by Shri. Melanius
Nonghsap, Headman of Mairungheh
Village, Raid Mawbuh, Myllem
Syiemship, P.O UCC, Ri Bhoi District,
Meghalaya.
3. Shri. Jespar Lyngdoh
Secretary of Mairungheh
Raid Mawbuh, Myllem Syiemship,
P.O UCC, Ri Bhoi District, Meghalaya.
4. The Syiem of Raid Mawbuh,
Myllem Syiemship, Ri Bhoi District,
Meghalaya.
5. The Officer In Charge,

Umiam Police Station, Ri Bhoi District,
Meghalaya.

6. Khasi Hills Autonomous District
Council represented by its Secretary,
Khasi Hills Autonomous District
Council :::: Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

- For the Petitioner/Appellant(s) : Mr. P. Nongbri, Adv. with
Mr. M.L. Nongpiur, Adv.
- For the Respondent(s) : Mr. W. Jyrwa, Adv. for R 1.
Mr. V.G.K. Kynta, Sr. Adv. with
Ms. C. Nongkhlaw, Adv. for R 2 & 3.
Mr. N.D. Chullai, AAG. with
Mr. E.R. Chyne, GA. for R 5.

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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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ORAL:

1. Heard learned counsel for the respective parties.
2. In brief, the case of the petitioner is that, there exist a civil dispute between the petitioner and the private parties, which case is pending adjudication before the Subordinate District Council Court, Nongpoh. It is also to be noted that in the said case, the respondent Nos. 2 & 3 respectively are also party in the suit.

3. In due course, the petitioner, vide letter dated 27.06.2023 addressed to the Headman, Village Dorbar Mairung Heh, Ri Bhoi, Meghalaya annexed as Annexure-C of the affidavit, has indicated that the Village Dorbar as respondent would be struck off from the array of parties in the said suit. This was pursuant to a meeting held on 26.06.2023 between the petitioner and the Dorbar Shnong Mairungheh/respondent No.

2. It may be stated that in the said letter dated 27.06.2023, the petitioner had also indicated that she is willing to reimburse any expenses incurred by the said Dorbar Shnong in course of such proceedings.

4. In response, the respondent Nos. 2 & 3 have issued a letter dated 13.10.2023 (Annexure-5 to this petition) upon the petitioner, indicating to the effect that their calculation of the expenses including fees for engaging a lawyer, etc. amounts to ₹ 10,00,000/- (Rupees ten lakhs), which the petitioner is required to reimburse the said respondents. Apart from demand of such amount, the Dorbar Shnong/respondent No. 2 has also stated certain directions to be complied with by the petitioner.

5. Being aggrieved by such letter dated 13.10.2023, the petitioner is before this Court with this instant petition under Article 226 of the Constitution of India.

6. In course of these proceedings, the petitioner has now filed an affidavit bringing on record the letter dated 18.01.2024 (Annexure-B of the affidavit) issued by the respondent Nos. 2 & 3 respectively, wherein it is indicated therein that the letter dated 13.10.2023 is withdrawn. Accordingly, upon such withdrawal of the impugned letter dated 13.10.2023, no cause of action survives as far as this petition is concerned.

7. Mr. V.G.K. Kynta, learned senior counsel assisted by Ms. C. Nongkhlaw, learned counsel appearing for the respondent Nos. 2 & 3 has submitted that, it is a fact that the said letter has been issued by the said respondents and that no further action will be taken against the petitioner in view of the contents of the said letter.

8. Mr. P. Nongbri, learned counsel for the petitioner, on the other hand, acknowledging receipt of the said letter dated 18.01.2024, which letter was brought on record by way of the aforementioned affidavit, though, conceding to the fact that by such letter, the effect of the letter dated 13.10.2023 has been nullified, however, the learned counsel would submit that on reading the contents of the said letter, it would appear that the blame was fastened upon the petitioner for the situation and the circumstances that has transpired between the parties. It is in this context

that the learned counsel would submit that though, there is no objection for disposal of this case, under such circumstances, this Court, may be pleased to dispose of this matter with pointed observations as far as the remarks made against the petitioner are concerned, particularly in respect of the alleged conduct of the petitioner.

9. This Court, having given its careful consideration to the matter in hand, has, in the first instance, agreed with the parties that by the issuance of the said letter dated 18.01.2024, the case of the petitioner no longer survives, inasmuch as, the cause and effect of the letter dated 13.10.2023 has now become redundant.

10. Accordingly, in view of the submission and concession made at the bar, this petition would stand disposed of as withdrawn. As far as the submission of the learned counsel for the petitioner for observations to be made as regard the contents of the letter dated 18.01.2024, this Court would opine that any observations in any manner would be uncalled for as there would be no practical impact or consequences upon the petitioner in such regard.

11. Needless to say, if the petitioner is aggrieved by any future action or contemplated action in view of such remarks, it would be open to the

petitioner to take necessary action in accordance with law.

12. In view of the above, this petition is accordingly disposed of. No costs.

Judge

Meghalaya
06.03.2024
"D. Nary, PS"