



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 1 of 2025

Date of Decision: 10.01.2025

Shri. Craig Alan Lyngdoh
The Lyngdoh (Chief) of Hima Mawphlang Lyngdohship
Son of Shri J.S. Massar
Aged about 35
R/o Mawngap Dukan, Mawphlang,
East Khasi Hills District, Meghalaya

.....Appellant

-Versus-

1. 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

.....Respondent

2. Khasi Hills Autonomous District Council
Represented by its Secretary,
Shillong, East Khasi Hills District,
Meghalaya
3. Shri. Osterlan Khyriem
(Acting Headman Mawngap Khliehshnong)
Aged about 46 years
R/o East Khasi Hills District,
Meghalaya
4. Shri. Khamborlang Kharchandi,
(Ex-Headman, Mawngap Khliehshnong)
Son of Smti Kharshandi
Aged About 46 years
R/o East Khasi Hills District,
Meghalaya.

....Proforma Respondents



Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge
Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. H.R. Nath, Adv. Ms. B. Sun, Adv.
For the Respondent(s)	: Mr. S.R. Lyngdoh, Adv. Mr. T. Islam, Adv. (For R 1) Mr. V.G.K. Kynta, Sr. Adv. with Ms. C. Nongkhlaw, Adv. (For R 2)

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

ORDER (ORAL)

Per W. Diengdoh, (J):

1. The order dated 16.12.2024 passed in WP(C) No. 349 of 2024 by a Single Bench of this Court has been assailed in this instant appeal.
2. Heard Mr. H.R. Nath, learned counsel for the appellant who in brief, has submitted that the appellant is the Lyngdoh (Chief) of the Mawphlang Lyngdohship (Hima).
3. A dispute has arisen with regard to the village Mawngap Khliehshnong of the said Hima wherein the Headman of the said village was removed from office and in his place an Acting Headman was appointed in due process.
4. It is also the submission of the learned counsel that in due course a writ petition was filed before this Court by an entity called 'Ka



Sur Na Ki Nongshong Shnong’ primarily challenging the removal of the then Headman of the Hima. This petition was disposed of by this Court with relevant directions to the Executive Committee of the Khasi Hills Autonomous District Council (KHADC).

5. The District Council pursuant to the said order of this Court had directed the erstwhile Headman who was removed from office to file a formal appeal before the Hima. However, the said Headman has failed to comply with the order. Thereafter, another writ petition was filed by the respondent No. 1 herein espousing the same cause, that is, the cause of the Headman who was since removed from office. The writ petition numbered as WP(C) No. 349 of 2024 was disposed of by the learned Single Judge vide the impugned order herein.

6. The crux of the matter herein is with regard to the holding of a fresh election for the office of Headman of Mawngap Khliehshnong village.

7. It is the submission of the learned counsel for the appellant that the learned Single Judge in the impugned order has misconstrued the submission made before this Court to observe that the Chief of the Hima Mawphlang is unable to conduct the election in the near future and as such, taking recourse to Section 7(iii) of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 had instead, directed the Executive Committee of the KHADC to conduct the said election within 1(one) month.

8. The learned counsel has further submitted that the case presented before the learned Single Judge as far as the conduct of the said election is concerned is that due to the death of the Myntri of the said Hima, the process could not be conducted immediately for which



some time is sought for. However it is not admitted by the Hima that the election could not be held at all. In this backdrop, the learned counsel for the appellant has submitted that the Hima is now ready and prepared to conduct the said election within the time frame given by this Court and as such, the impugned order may be set aside or modified accordingly to allow the Hima to conduct the said election.

9. Mr. V.G.K. Kynta, learned Sr. counsel who appears as the Special Counsel of the respondent No. 2/KHADC alongwith Ms. C. Nongkhlaw, learned counsel has submitted that in all fairness, the Executive Committee of the KHADC has no objection to the prayer made by the appellant and under the circumstances would prefer that the election be conducted by the appellant herein.

10. Mr. S.R. Lyngdoh, learned counsel for the respondent No. 1 has also submitted that on instruction, the main concern of the respondent No. 1 is for the election to be conducted as early as possible so that there will be no disruption of the democratic process as far as the election of the Headman of the said village is concerned. In essence, the respondent No. 1 has also no objection to the prayer made by the learned counsel for the appellant herein.

11. This Court has given considerable thought to the submission made by the parties and has also perused the impugned order. Nothing wrong is found therein, but for the concession made by the respective parties herein, therefore this Court would confine itself only to the relevant submission made, that is, with regard to the conduct of the election of the Headman of Mawngap Khliehshnong.

12. It is true that under the provision of Section 7(i) of the said Act of 1959 the election of Headman is to be conducted by the Chief and his



Durbar and the provision of Section 7(iii) is only an enabling provision to allow the process of election of Headman by the Executive Committee itself in case of the inability of the Chief and his Durbar to do so. At this point of time, it appears that all the parties are in agreement that the election ought to be conducted by the Chief and his Durbar.

13. The admission of the respondent/KHADC though contrary to what had been submitted before the learned Single Judge would be accepted by this Court taking into account the entire facts and circumstances of this case. Even the admission by respondent No. 1 who is the writ petitioner, inasmuch as this respondent too has no objection to the election to be conducted by the appellant herein is duly noted.

14. This Court would therefore allow the prayer made in this appeal to the extent that the relevant observations at para 6 of the impugned order be modified effectively.

15. Accordingly, this appeal is allowed to the extent that the operation of the impugned order as directed at para 6 is hereby modified to read as follows:

“1. That the election to the post of Headman of Mawngap Khliehshnong is to be conducted by the Chief and his Durbar/appellant hearing in accordance with Section 7(i) of the said Act of 1959. The same is to be conducted within 1(one) month of receipt of certified copy of this order.

2. As agreed to by the parties, in the meantime during the process of election, the necessary documents, keys and other materials of the Headman which are now in possession of the respondent No. 1 herein are to be handed over to the Secretary



of the Executive Committee, KHADC who will keep the same in safe possession and the same to be handed over to the newly elected Headman in due course.”

16. In view of the above, this appeal is hereby disposed of. No costs.

17. Let copy of this order be issued upon the Secretary, Executive Committee, KHADC for compliance.

(B. Bhattacharjee)

Judge

(W. Diengdoh)

Judge