



Serial No. 10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.59 of 2018

Date of Order: 28.04.2025

1. Shri. Kaljin Marak
S/o (L) Tangjeng Sangma,
R/o Samingre
P.O. Jengjal & P.S. Tura,
West Garo Hills District, Meghalaya.
2. Shri. Krithabar Marak
R/o Samingre
P.O. Jengjal & P.S. Tura,
West Garo Hills District, Meghalaya.
3. Kemson Sangma
R/o Samingre
P.O. Jengjal & P.S. Tura,
West Garo Hills District, Meghalaya.

..... Petitioners

-VERSUS-

1. Garo Hills Autonomous District Council,
Represented by its Secretary, Executive Committee,
Tura District: West Garo Hills, Meghalaya
2. The Chief Executive Member,
Garo Hills Autonomous District Council,
Tura, West Garo Hills District, Meghalaya
3. The Executive Member In-charge Land and Revenue,
Garo Hills Autonomous District Council,
Tura, West Garo Hills District, Meghalaya
4. Shri. Starline Sangma
S/o Late Stone Marak
R/o Samingre P.O. Jengjal & P.S. Tura,
West Garo Hills District, Meghalaya.



5. Shri. Salman Sangma
S/o Late Joylance G. Momin
R/o Burny Hill, P.O. Dakopgre & P.S. Tura,
West Garo Hills District, Meghalaya.

..... Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. B.F. Kharwanlang, Adv

For the Respondent(s) : Mr. S. Dey, SC GHADC (R:1-3)
Mr. P. Nongbri, Adv (R:4)
Mr. K.P. Bhattacharjee, Adv (R:5)

(ORAL)

Heard Ms. B.F. Kharwanlang, learned counsel appearing for the petitioners and also Mr. S. Dey, learned counsel appearing for the respondent Nos. 1-3, Mr. P. Nongbri, learned counsel for the respondent No.4 and Mr. K.P. Bhattacharjee, learned counsel for the respondent No.5.

This writ petition has been filed by the petitioners assailing the impugned order dated 14.03.2017 passed by the respondent No.3, Executive Member I/C Land and Revenue, Garo Hills Autonomous District Council (GHADC), Tura and the impugned order dated 15.06.2016 passed in GDC/Rev Appeal No.7 (A/C) of 2016 by the respondent No. 2 Chief Executive Member, GHADC rejecting the prayer of the petitioner to cancel the patta issued in favor of the respondent Nos. 4 & 5.

The fact of the case is that a portion of land measuring 5 bighas located at NH-51 in West Garo Hills was settled in favor of the respondent No.4 by the District Council on the basis of no objection given by the then Nokma of Samingre Aking. Subsequently, a part of the



said land measuring 2 bighas, 2 khatas, 4 leshas was transferred to the respondent No.5.

The petitioners, who were the maharis of the Samingre Aking, after coming to know of the aforesaid transfer filed a complaint dated 11.05.2009 to the Secretary Executive Committee GHADC, Tura and prayed for cancellation of the land patta issued to the private respondents. Further, another complaint was made to the same authority on 16.08.2012. As no action was forthcoming, a complaint was filed by the petitioners before the respondent No.3, Executive Member I/C Land and Revenue, GHADC which was registered as GHADC-REV/6 MISC of 2016. The respondent No.3 after hearing the matter, by order dated 15.06.2016 rejected the complaint of the petitioners. Against the said rejection the petitioners filed an appeal before the respondent No.2, the Chief Executive Member, GHADC, Tura vide GDC/Rev Appeal No.7 (A/C) of 2016. The respondent No.2 vide impugned order dated 14.03.2017 declined to entertain the appeal on the ground that he had no jurisdiction to try the appeal and the appeal was required to be filed before the Meghalaya Board of Revenue.

Being aggrieved by the above said orders passed by the respondent Nos. 2 & 3, the petitioners have preferred this writ petition before this Court.

Upon hearing the learned counsel appearing for the parties and on perusal of the materials on record, it appears that the respondent No.2 while passing the order dated 14.03.2017 was misled by the provision of section 147 of the Assam Land and Revenue Regulation as adopted by the District Council and came to a wrong finding that the court of Chief Executive Member had no authority to entertain the appeal. The respondent No.2 while passing the order failed to take into consideration the amendment of the Garo Hills Autonomous District Council (Land and Revenue) Regulation, 1954 by the Garo Hills Autonomous District



Council (Land and Revenue) Regulation, (Amendment) Act, 1972 published in the Meghalaya Gazette on 25th November 1972. The relevant part of the amendment reads as follows:-

“4. Amendment to Section 3 (8) of the principal Regulation.- Section 3 (3) shall stand deleted.

Insert a new Section viz. Section 4 below Section 3 of the principal Regulation.-

“4. Any reference to the Board of Revenue in the Assam land and Regulation, 1886 ‘as amended’ shall be construed as a reference to the Chief Executive Member.”

What emerges from the above is that as per the aforesaid amendment, any reference to the Board of Revenue in Assam Land and Revenue Regulation 1986 should be construed as reference to the Chief Executive Member of the GHADC. Thus, the Chief Executive Member becomes equivalent to the Board of Revenue and hence the appeal filed by the petitioners under section 147 of the Land and Revenue Regulation was clearly maintainable before him.

In view of the above the order dated 14.03.2017 passed by the respondent No.2 in GDC/Rev Appeal No.7 (A/C) of 2016 is hereby set aside. The matter shall now stand remanded back to the respondent No.2 who shall hear the parties and decide the appeal in accordance with law. The parties will be at liberty to raise all the legal issues available to them including the issue of limitation. It is provided that till an effective order is passed by the respondent No.2 in this matter, the status quo with regard to the land in question as on today shall be maintained by the parties. The respondent No.2 shall make an endeavor to dispose of the matter as early as possible.

With the above, this writ petition stands disposed of.

Judge

Meghalaya
28.04.2025