



Serial No. 10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 49 of 2025 with
MC[WP(C)] No. 35 of 2025

Date of Decision: 10.11.2025

Shri. Shemphang Kharsati,
Son of Shri. L. Mawrie,
Resident of Mawryngkneng,
East Khasi Hills District, Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya, represented by its Chief Secretary to the Government of Meghalaya.
2. The Joint Secretary to the Government of Meghalaya, District Council Affairs Department.
3. The Deputy Commissioner, East Khasi Hills District, Shillong.
4. The District Magistrate, East Khasi Hills District, Shillong.
5. The Officer-in-Charge, Diengpasoh Police Station, Shillong.
6. Khasi Hills Autonomous District Council, Shillong, represented by its Secretary to the Executive Committee.

..... **Respondents**



Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Dr. N. Mozika, Sr. Adv. with Ms. R. Fancon, Adv. Ms. K. Gurung, Adv.
For the Respondent(s)	: Mr. N.D. Chullai, AAG with Ms. Z.E. Nongkynrih, GA. for R 1-5. Mr. T.T. Diengdoh, SC, KHADC/R 6 with Mr. J.K. Pariat, Adv.

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

JUDGMENT AND ORDER (ORAL)

1. Heard learned counsels for the parties.
2. Dr. N. Mozika, learned Sr. counsel assisted by Ms. R. Fancon, learned counsel for the petitioner has submitted that the main grievance of the petitioner for which this Court has been approached is the issuance of the respondent No. 4 of the order under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023.
3. It is also the submission of the learned Sr. counsel that the impugned order has been passed on 04.02.2025. Referring to the provision of Section 163 sub-Section 4, the learned Sr. counsel has pointed out that any order passed under this section shall remain in force only for a period of



2(two) months. Accordingly, since the said period of 2(two) months has already expired, therefore the impact of the order in question has no more value at this point of time, the same has become redundant. It is therefore prayed that this petition may be disposed of with a suitable observation by this Court.

4. Mr. N.D. Chullai, learned AAG assisted by Ms. Z.E. Nongkynrih, learned GA for the State respondent Nos. 1-5, in respond, has submitted that admittedly, the said impugned order has run its course, however, the issue or rather the cause of action for which the said impugned order has been issued still remains, inasmuch as, the issue involves operation of toll gates on National Highways, State Highways and major District Roads of East Khasi Hills, which operation has been restricted to prior or due permission from the Ministry of road transport and highway, and any operation of such toll gates without due permission cannot be allowed by the district authorities. The learned AAG would therefore maintain that the cause of action as far as this petition is concerned, is still persisting and has to be decided on merits.

5. Mr. T.T. Diengdoh, learned Sr. counsel/Special counsel for the respondent No. 6/KHADC has endorsed the submission made by the learned Sr. counsel for the petitioner.

6. On the face of the records, as has been pointed out by the learned



Sr. counsel for the petitioner, this Court is also inclined to agree that the said impugned order has run its course and is inoperable at this point of time whatever the reasons may be for issuance of the same. Accordingly, since the petitioner has not pressed for hearing of this petition on merits, on such grounds, this petition is hereby disposed of as such.

7. In parting, on the submission of the learned AAG, it is left open to the authorities concerned to take necessary action in accordance with law as and when required in case of violation by any person as far as the issue of operation or erection of toll gates on National Highways, State Highways and major District Roads is concerned.

Judge