



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 90 of 2025

Date of Decision: 24.03.2025

Smti Noorjahan Marwein

.... **Petitioner(s)**

Versus

1. The State of Meghalaya
represented by its Chief Secretary
2. Deputy Commissioner,
East Khasi Hills District, Shillong
3. Shillong Municipal Board represented by
The Chief Executive Officer, Shillong,
East Khasi Hills District, Meghalaya

.... **Respondent(s)**

Coram:

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

Appearance:

For the Petitioner(s) : Mr. K. Ch. Gautam, Adv. with
Ms. G.C. Marboh, Adv.

For the Respondent(s) : Mr. A.H. Kharwanlang, Add. Sr. GA
(For R 1&2)
Mr. Philemon Nongbri, Adv. (For R 3)

i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No



(ORAL)

1. Heard Mr. K. Ch. Gautam, learned counsel for the petitioner.
2. Mr. A.H. Kharwanlang, learned Addl. Sr. GA is present and accepts notice on behalf of the respondents Nos. 1 & 2. Mr. Philemon Nongbri, learned counsel is present on behalf of the respondent No. 3, so no further notice is called for.
3. The writ petitioner is before this Court with a prayer for urgent listing and expeditious disposal of MBR/RA/4/2025, pending before the Meghalaya Board of Revenue in accordance with law. The writ petitioner it is submitted, has been compelled to come before this Court by way of the instant writ petition in view of the fact that against the order of eviction dated 06.02.2025, passed by the Deputy Commissioner in proceedings under the Meghalaya Public Premises (Eviction of Unauthorized Occupations) Act, 1980, wherein order of eviction has been passed, holding that the writ petitioner is in unauthorized occupation of Plot No. 95, situated at Kench's Trace, Shillong, an appeal has been preferred but is yet to be taken up by the Meghalaya Board of Revenue.
4. It is further submitted by Mr. K. Ch. Guatam, learned counsel for the petitioner the appeal has been preferred under Section 8 of the said Act, 1980, but however the same is yet to be taken up for consideration,



in view of the non-availability of a Member of the Board of Revenue. At this stage, he submits the only limited prayer of the writ petitioner is for some protection against the order of eviction until the matter is taken up for consideration and orders passed thereon by the Board of Revenue.

5. Mr. A.H. Kharwanlang, learned Addl. Sr. GA for the respondents Nos. 1 & 2, submits that as the prayer of the writ petitioner is limited only to some interim protection till the matter is taken up by the Meghalaya Board of Revenue, he has no objection if the matter is disposed of at this stage itself, by issuing appropriate directions.

6. Similarly, Mr. Philemon Nongbri, learned counsel for the respondent No. 3, concurs to the submission made by the learned counsel for the respondents Nos. 1 & 2.

7. On hearing the learned counsel for the parties, and going through the materials on record, it is noted that proceedings had been initiated against the writ petitioner on the allegations that she is in unauthorized occupation of Plot No. 95, at Kench's Trace, Shillong. By an order dated 06.02.2025, the Deputy Commissioner then on coming to a finding with regard to the unauthorized occupation, had directed for eviction of the writ petitioner from the said premises.

8. As it is not disputed that an appeal has since been preferred, but however the same has not yet been taken up for consideration due to



the unavailability of a Member, this Court therefore disposes of the instant writ application by directing that till such time the appeal is taken up by the Board of Revenue for consideration and orders passed thereon, the writ petitioner shall not be forcibly evicted from the Plot of land in question.

9. As ordered above, the matter stands disposed of.

JUDGE

Meghalaya
24.03.2025
"V. Lyndem-PS"