



Serial No.02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet.No.1/2025

Date of Order : 25.03.2025

Shri Mac Lyngdoh Shira, S/o Shri F.G. Lyngdoh, Resident of Golf links, Shillong, Meghalaya.

Vs.

1. Registrar General, High Court of Meghalaya, Kachari Point, Shillong, Meghalaya.
2. The State of Meghalaya, through its Chief Secretary, Government of Meghalaya, Secretariat Building, Shillong, Meghalaya-793001.
3. The Deputy Commissioner-cum-Collector, Ri Bhoi District, Nongpoh, Meghalaya.
4. Smti. Stied Dkhar, D/o (L) K. Dkhar, resident of Mawlai Iewrynghep near petrol pump, Shillong, East Khasi Hills District, Meghalaya.
5. Smti. Patricia Nongsiej, wife of Badhok Nongmalieh, resident of Mawtnum, Nongpoh, Ri Bhoi District, Meghalaya.
6. Airports Authority of India, C/o Shillong Airport, Umroi, Ri Bhoi District, Meghalaya.

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner	: Mr. S. Chakrawarty, Sr.Adv with Mr. E. Laloo, Adv
For the Respondents	: Mr. N.D. Chullai, AAG with Ms. R. Colney, GA Mr. H.L. Shangreiso, Sr.Adv with Mr. T. Dkhar, Adv for R/4 Mr. KC Gautam, Adv with Mr. M.L. Nongpiur, Adv for R/5 Dr. N. Mozika, DSGI with Ms. K. Gurung, Adv



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

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This is an application for review of our judgment and order dated 26th February, 2025.

We have heard learned counsel for all the parties.

We do not find any cause to review our order. However, some clarifications are necessary for proper and speedy implementation of the said order.

First of all reference may be made to the Supreme Court order dated 2nd August, 2017 pursuant to which, this exercise was started. The material part of the said order is set out below:

“We request the Chief Justice of High Court of Meghalaya to nominate a District Judge to determine this matter as far as possible within three months from the date of receipt of a copy of this order. Order of the Chief Justice may be put on the High Court website within two weeks. Any parties interested in the matter are at liberty to put forward their claims. The report of the District Judge may be submitted to the High Court which may be considered and decided on the judicial side.”



Two directions in this order are important.

First, the Chief Justice of this Court was asked to nominate a District Judge to determine the matter in issue i.e., payment of excess compensation for acquisition of land to expand the Shillong Airport at Umroi. Secondly, the decision of the District Judge was to be a report to be “considered and decided on the judicial side” by us.

Therefore, we have rightly noted at page 3 of our said order dated 26th February, 2025 that the report of the District Judge was to be taken as an enquiry report or report on assessment of mesne profits by a Special Referee. Taking the matter up on the judicial side, we were of the view that consideration of the report might involve assessment of the evidence taken by the District Judge and may also require taking fresh evidence, if required.

So on our judicial side, we had referred the matter to the District and Sessions Judge, Shillong who is also the Special Judicial Officer under the Land Acquisition Act to consider the report of the District Judge. Further, we directed that the decision should be transmitted to this Court for passing a final order.

Mr. Chakrawarty, learned senior Advocate appearing for the applicant expresses the apprehension that a part of our order directing the Special Judicial Officer to take evidence would reopen the whole matter and



involve de novo adjudication. According to learned counsel, adjudication has already been done by the District Judge nominated by the Chief Justice. Secondly, he submits that reference to the report as an expert opinion is likely to cause confusion and further reopen the entire matter.

We would like to make a clarification on these two issues only.

The report of the nominated District Judge should be taken in the same way as a report of the Special Referee determining mesne profits is taken by the Court. The facts, the evidence and the law placed and adjudicated upon by the Special Referee are usually assessed by the judge and thereupon he comes to the conclusion whether the determination is correct or not. If the judge finds that either the Special Referee has acted on insufficient evidence or that relevant evidence has not been produced before him or that fresh evidence is required to establish the claim of the claimant, then he orders evidence to be taken.

We clarify that the Special Judicial Officer has to act on the records before the nominated District Judge or invite further evidence only under the above circumstances and pronounce his ruling. The report of the nominated District Judge shall be taken as record of proceedings instead of “piece of evidence”.



We clarify the order dated 26th February, 2025 to the above extent only.

This application for review is disposed of accordingly.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
25.03.2025
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