



Serial No.35
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 111 of 2024

Date of Decision : 16.04.2025

1. Shri. Jingseng Marak.
2. Shri. Remson Sangma.

...Petitioner

-Versus-

1. The Garo Hills Autonomous District Council (GHADC) represented by its Secretary, Executive Committee, Tura West Garo Hills District, Meghalaya.
2. The Chief Executive Member, Garo Hills Autonomous District Council (GHADC), Tura West Garo Hills District, Meghalaya.
3. Shri. Wanjeng Sangma,
S/o. (L) Jangran Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
4. Shri. Allen Sangma,
S/o. Chegin Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
5. Shri. Rongdon Sangma,
S/o. (L) Rimjeng Sangma,
R/o. Sokadam Rongkabokgre, P.O & P.S.



Songsak, East Garo Hills District,
Meghalaya.

6. Shri. Jendal Sangma,
S/o. Sangran Sangma,
R/o. Sokadam Rongkabokgre, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
7. Shri. Changban Marak,
S/o. Gallaram Sangma,
R/o. Sokadam Rongkabokgre, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
8. Shri. Hewat Marak,
S/o. Mingwan Sangma,
R/o. Sokadam Rongkabokgre, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
9. Sengman Sangma,
S/o. (L) Goran Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
10. Shri. Poljesh Sangma,
S/o. Alen Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
11. Shri. Rengal Sangma,
S/o. Bangsan Marak @ Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
12. Shri. Kalsin Marak,
S/o. Dagolong Sangma,
R/o. Sokadam Balading, P.O & P.S.



Songsak, East Garo Hills District,
Meghalaya.

13. Shri. Michael Marak,
S/o. (L) Allon Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
14. Shri. Goseng Sangma @ Marak,
S/o. (L) Gillin Marak,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
15. Shri. Sollen Sangma @ Marak,
S/o/ (L) Sanjeng Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.
16. Shri. Dilip Sangma,
S/o. Abam Sangma,
R/o. Sokadam Balading, P.O & P.S.
Songsak, East Garo Hills District,
Meghalaya.

...Respondents.

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. A.G.Momin, Adv.
Ms. L.D.Sangma, Adv.

For the Respondent(s) : Mr. S.Dey, SC GHADC with
Ms. S.Dhar, Adv. for R 1 & 2.
Ms. S.Deb, Adv. for R 3-16.



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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The petitioner No. 1 who is stated to be a Nokma of IV-48 (7A) Sokadam/ Sokadamgre / Sokhadamgiri A'king alongwith other petitioners are before this Court being aggrieved with an order dated 18-03-2024, passed by the respondent No. 2 the Chief Executive Member, whereby, though by an earlier order dated 19-09-2023, an execution case being Execution Case No. 19 of 2022 had been referred to the Court of the District Judge/ Additional District Court, District Council Court GHADC, however without any effective orders, and when the matter was already seized by the District Council Court, the respondent No. 2 had passed orders for restoration and for setting aside or recall the order dated 19-09-2023, without any reasons being ascribed.

2. Mr. A.G.Momin, learned counsel for the petitioners has submitted that the petitioners' limited grievance is with regard to the legality of the impugned order whereby on an execution being filed by the petitioners, and the same had been referred to the District Council Court, the



respondent No. 2 had again taken up the matter without any cogent reasons being ascribed. It is further submitted that the petitioners are aware about the other parallel proceedings with regard to the appeal from the order or decree for which the execution has been sought. He however submits that, that being an independent proceeding, the passing of the impugned order has clouded the proceedings, he therefore prays that the impugned order be set aside and quashed.

3. Mr. S.Dey, learned SC for the official respondents No. 1 & 2 has submitted that the execution proceedings had emanated from an order of the Samanda Village Court whereby a fine of ₹ 500/- (Rupees five hundred) only had been imposed on the private respondents No. 3-16. This order he submits, though belatedly, has been appealed against, and the matter is seized with the Assistant Judge, District Council Court. With regard to the impugned order, the learned counsel has submitted that the Chief Executive Member is well within his powers to recall his own orders and to pass necessary orders thereon. He therefore submits, that no interference is called for and as the appeal is pending consideration, the parties be left to contest the case.

4. Mr. S.Deb, learned counsel for the respondents No. 3-16 has concurred to the submissions made by Mr. S.Dey, learned counsel and submitted that as the appeal is already pending and the same having been



admitted before the Assistant Judge, there is no question of the Execution Case being taken forward.

5. I have heard learned counsel for the parties and also perused the materials on record. It is correct that the Samanda Village Court by an order dated 04-08-2021, had ordered the respondents No. 3-16 to pay a fine of ₹ 500/- (Rupees five hundred) only per head to the petitioners as they were found to have planted and cultivated areca nut on the land stated to be reserved forest of the petitioner No. 1. In pursuance to this order, the petitioner therefore, had sought execution of the same to compel the respondents No. 3-16 to pay the fine as imposed by the Village Court. The respondent No. 2, on the matter being placed before him, had then directed by an order dated 19-09-2023, by quoting Rule 53 Sub-Rule (3) of the Garo Hills Autonomous District (Administration of Justice) Rules, 1953, that the matter be placed before the Court of the Additional Judge, District Council Court and accordingly, it appears that the matter had then proceeded before the Assistant Judge, District Council Court. The order dated 18-03-2024, therefore on examination, appears to be misplaced, inasmuch as, no reasons are ascribed as to why the matter has been re-taken up by the respondent No. 2. This order in the considered view of this Court being unreasoned and without reasons cannot stand the scrutiny of law and is accordingly set aside leaving the parties to contest the execution



matter before the Court of the Assistant Judge, District Council Court. As it is reported that the appeal against the order of the Village Court is also pending before the same Court, this application is closed therefore leaving the parties to agitate their grievances before the Court of the Assistant Judge, District Council Court, Tura.

6. As ordered above, this matter stands closed and disposed of.

Judge