



Serial No.30
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 119 of 2023

Date of Decision : 16.04.2025

Shri. Sunil Modok

...Petitioner

-Versus-

1. Garo Hills Autonomous District Council
represented by its Secretary,
2. The Chief Executive Member,
Garo Hills Autonomous District Council, Tura.
3. The Executive Member, i/c Land & Revenue
Branch, Garo Hills Autonomous District Council,
Tura.
4. Assistant Settlement Officer, i/c Land Records
Branch, Garo Hills Autonomous District Council,
Tura.
5. The Revenue Officer, i/c Land Records,
Garo Hills Autonomous District Council,
Tura.
6. The Supervisor Kanugo (S.K.), Under Mouza
No. VIII-2 and VIII-3, South West Garo Hills.
7. The Lot Mondal, Under Mouza No. VIII-2 and
VIII-3, South West Garo Hills.
8. Shri. Kamini Modok son of (L) Kali Kanta Modok,
resident of Majherchar village, P.O. & P.S.
Mahendraganj, South West Garo Hills, Meghalaya.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.A.Shiekh, Adv.
Mr. M.R.Marak, Adv.

For the Respondent(s) : Mr. S.Dey, SC GHADC
Ms. S.Dhar, Adv.

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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 writ petitioner is before this Court by way of the instant application praying for a writ in the nature of mandamus to direct the respondents to issue a joint patta in the name of the petitioner and the respondent No. 8 for the plots of land mentioned in the orders dated 28-11-2022 and 14-03-2023, issued by the respondent No. 5 which are annexed as Annexure- 9 and Annexure-10 of the writ petition.

2. The brief facts of the case are that the father of the petitioner and the respondent No. 8 was the owner in possession of several plots of land, the



details of which have been given in paragraph 2 of the writ petition. On the demise of the father on 03-06-1998, the petitioner had approached the revenue authorities of the GHADC for grant of mutation of his share of the property left behind by the deceased father. Thereafter, it appears that though repeated orders were passed, the said mutation was not effected since the respondent No. 8 had raised objections to the same and had made submissions before the authorities that he was in possession of a Will whereby all the properties had been bequeathed to him.

3. At this juncture, it is worthwhile to note that the respondent No. 8 had come before this Court by way of a Civil Revision application being CRP. No. 6 of 2019 against the orders directing for mutation, which however was subsequently allowed to be withdrawn by this Court vide order dated 15-05-2019 with liberty allowed to file afresh. Thereafter, the respondent No. 8 again came before this Court by way of a Writ application being WP(C). No. 219 of 2019 and again sought withdrawal of the same which was allowed by this Court vide order dated 18-10-2019. On a subsequent order being issued by the revenue authorities (respondent No. 5) on 14-03-2023, the respondent No. 8 again preferred a Writ application assailing the same which was numbered as WP(C). No. 83 of 2023, which however was similarly withdrawn and was allowed by this Court by order dated 24-05-2023. As a prayer had been made by the



learned counsel while withdrawing the writ application that liberty be granted, this Court while allowing the same, had given a rider that filing the matter afresh would be subject to payment of ₹ 10,000/- (Rupees ten thousand) only as cost. It thus appears that the respondent No. 8 by repeated litigation has sought to frustrate the orders of mutation that have been passed by the revenue authorities, and in fact, in the present proceedings, inspite of service of notice and being represented by a counsel on several dates, no affidavit was filed nor further appearance made, which compelled this Court by order dated 17-05-2024 to close the filing of affidavit and proceed ex-parte against the respondent No. 8.

4. In this backdrop of facts and circumstances, what needs to be examined presently is only the prayer of the writ petitioner to direct the respondents to act in accordance with the order dated 14-03-2023, issued by the respondent No. 5.

5. Accordingly, without further discussion, it is ordered that the revenue authorities shall mutate the property in the names of the writ petitioner and the respondent No. 8 and to issue a joint patta. The same shall be completed within a period of four weeks from the date of presentation of this order before the revenue authorities. The revenue



authorities shall also at liberty to issue notice to both the parties before the date of issuance of patta.

6. As ordered above, writ petition accordingly stands closed and disposed of.

Judge