



Serial No. 31-39
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 151 of 2024 with
WP(C) No. 152 of 2024
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WP(C) No. 159 of 2024

Date of Decision: 12.03.2025

In WP(C) No. 151 of 2024

Shri. Lowis Sangma
S/o Jensingh Marak

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya



6. Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

::: Respondents

In WP(C) No. 152 of 2024

Shri. Pandit D. Sangma
S/o Rabestar Sangma

::: Petitioner

-Vs-

1. State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2. Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3. Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4. The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5. Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6. Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

::: Respondents



In WP(C) No. 153 of 2024

Shri. Witnar S. Sangma
S/o Oding Marak

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents

In WP(C) No. 154 of 2024

Shri. Damsing Sangma
S/o Kophi Marak

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya



2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents

In WP(C) No. 155 of 2024

Shri. Joster Sangma
S/o Gardinat Marak

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya



5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents

In WP(C) No. 156 of 2024

Shri. Pun Sangma
S/o Om Marak

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents



In WP(C) No. 157 of 2024

Smti.. Norsing Songsak
D/o Monin Riangsang

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents

In WP(C) No. 158 of 2024

Shri. Golsmit Marak
S/o Muhit Sangma

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya



2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya

5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents

In WP(C) No. 159 of 2024

Shri. Rongil Sangma
S/o Riksin Marak

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Secretary
Government of Meghalaya
Shillong, East Khasi Hills, Meghalaya

2.Chief Engineer, (N.H) P.W.D (Roads)
Shillong, East Khasi Hills, Meghalaya

3.Executive Engineer P.W.D. (Roads),
Mawshynrut Division, Mawshynrut,
West Khasi Hills, Meghalaya

4.The Superintendent Engineer P.W.D.
(Roads) Western Circle, Nongstoin,
West Khasi Hills, Meghalaya



5.Syiem of Nongstoin,
Nongstoin Syiemship, Nongstoin,
West Khasi Hills District, Meghalaya

6.Deputy Commissioner, West Khasi
Hills District, Nongstoin, Meghalaya

:::Respondents

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. H.R. Nath, Adv.

For the Respondent(s) : Mr. R. Gurung, GA with
Ms. S. Bhattacharjee, GA
Mr. H. Abraham, GA
Ms. S. Shyam, GA (For R 1-4,6)
Mr. M.L. Nongpiur, Adv. (For R 5).

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. This bunch of writ petitions being identical and seeking the same reliefs are being disposed of by this common judgment and order.

2. The petitioners in all the writ petitions being aggrieved with a notice dated 15.01.2024, issued by the respondent No. 3, with regard to their alleged encroachment on P.W.D. land (Right of Way), are before this Court



for quashing and setting aside of the impugned notice and for other reliefs such as recognition of the petitioners to be in lawful possession of their respective plots or establishments.

3. Mr. H.R. Nath, learned counsel for the petitioners has submitted that the petitioners belong to a clan known as ‘Dorangre Songsak’ and that since the time of their ancestors have been in occupation and possession of an area known as ‘Riangsngi’ and that the respondent No. 5, the Syiem of Nongstoin, had on 21.01.1982, certified and registered the land in favour of the said clan. It is further submitted that the area alleged to have been encroached upon by the petitioners falls under the ‘Riangsngi’ land, wherein the petitioners have constructed RCC and other kaccha structures for habitation and commercial purposes, and have been running these small businesses for many years. He therefore contends that the impugned letter dated 15.01.2024, issued by the respondent No. 3, Executive Engineer PWD, directing the petitioners to relocate and shift being arbitrary and without following the due process of law, is liable to be set aside and quashed.

4. Mr. R. Gurung, learned GA along with Ms. S. Bhattacharjee, learned GA, Mr. H. Abraham, learned GA and Ms. S. Shyam, learned GA for the respondents No. 1-4 and 6 has submitted that the writ petitioners have encroached upon the Right of Way of an existing PWD Road, and as such,



have rightfully been served with the impugned notice to remove and shift any structures impeding the Right of Way. The land in question it is submitted, over which the petitioners claim ownership had been acquired from the ‘Dorangre Songsak’ clan, as far back as on 1984, for construction of the PWD Road, and compensation and payments had been made which was received by the agents of the respective clans. In this context, the learned GA has drawn the attention of this Court to a document dated 07.12.1983, annexed to the writ petitions to substantiate the fact that the owners of the said land had appointed one Shri. Wittarson Songsak as the agent to claim the land compensation. The learned GA has also drawn the attention of this Court to a series of documents, which contain notices under Section 12(2) of the Land Acquisition Act 1894, all dated 09.01.1984, to show that award of land compensation had been made by the Collector for the said acquisition. He therefore submits that the petitioners apart from their unsubstantiated claim to be descendants of the original owners of the land, even if the same were to be true, in view of the acquisition for the PWD Road, their right no longer survives, and the writ petitions deserve no consideration and should be dismissed.

5. Mr. M.L. Nongpiur, learned counsel for the respondent No. 5 has advanced no submissions, as the respondent No. 5 is not a contesting



respondent, but has only remarked that with regard to the Right of Way, the same should have been done by a proper survey.

6. Having heard the learned counsel for the parties, this Court notes at the outset on perusing the materials that the petitioners, though claiming to be descendants of the persons mentioned in the instrument of the respondent No. 5, who are listed as owners of ‘Riangsnagi’ have not produced any proof or shown in which manner, as to how they are related or descended from the said persons. On this aspect itself, the locus of the petitioners becomes suspect. Further, the affidavit on behalf of the State respondents has detailed the acquisition of the said land for construction of the road, with due compensation being received by the interested persons of the ‘Dorangre Songsak’ clan, as evidenced by Annexure – 2 to the affidavit, wherein members of the clan have appointed one Shri. Wittarson Songsak, to be their agent, who received the award on 12.01.1984, as per the document annexed at Page – 80 of the affidavit. A consolidated voucher showing the payment of compensation to different parties including Shri. Wittarson Songsak, for construction of the said road namely ‘Nongdaju-Nongshram’ road has also been annexed at Page – 84 of the affidavit.

7. All these writ petitions strangely have made no mention of the said acquisition proceedings, but have only sought to agitate the rights of the petitioners on the basis of the document of the respondent No. 5, without



any connection being shown to the said people named therein, or any mention about the location of the said land they are in occupation of, nor the area, or nature of structures raised by them.

8. In the backdrop of these facts and circumstances therefore, the petitioners having not established their locus, or made out any case whatsoever for any interference by this Court in exercise of writ jurisdiction under Article 226 of the Constitution of India, all these writ petitions stand dismissed.

9. No order as to costs.

Judge

Meghalaya
12.03.2025
"D.Thabab-PS"