



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 233 of 2019

Date of Decision: 23.07.2025

1. Relief and Rehabilitation Colony
Welfare Society formerly known as
Umpling (Rynjah) Welfare Society, a
society registered under the Societies
Registration Act, 1860 having its
registered Office at R & R Colony, P.O
Rynjah, Shillong – 793006, East Khasi
Hills District, Meghalaya.
2. Shri. Asit Boron Sen,
President, R & R Colony Welfare
Society;
Son of Late Nalini Kanta Sen
Resident of R & R Colony,
P.O. Rynjah, Shillong – 793006,
East Khasi Hills District,
Meghalaya.

..... **Petitioners**

- Vs-

1. The State of Meghalaya represented
by the Commissioner and Secretary,
General Administration Department
(GAD), Govt. of Meghalaya, Shillong.
2. The Commissioner and Secretary,
District Council Affairs Department,
Govt. of Meghalaya, Shillong.
3. The Deputy Commissioner,
East Khasi Hills District,
Shillong, Meghalaya.



4. Khasi Hills Autonomous District Council (KHADC),
East Khasi Hills District, Shillong.
5. The Secretary,
Executive Committee,
Khasi Hills Autonomous District Council (KHADC),
East Khasi Hills District, Shillong.
6. Syiem of Myllem and Dorbar,
Mawkhar, Shillong,
Meghalaya.
7. Dorbar Shnong Rynjah
Represented by its Rangbah Shnong,
Executive Committee,
Dorbar Shnong Rynjah,
Shillong – 6.

..... Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. K. Paul, Sr. Adv. with Mr. S. Thapa, Adv. Mr. S. Khyriem, Adv.
For the Respondent(s)	: Mr. K. Khan, AAG with Mr. S. Sengupta, Addl. Sr. GA. for R 1-3. Mr. T.T. Diengdoh, SC, KHADC/R 4&5 with Mr. C.C.T. Sangma, Adv. Mr. J.K. Pariat, Adv. Mr. L. Khyriem, Adv. Mr. W. Jyrwa, Adv. for R 6.

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| 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. In the shortest possible manner, the case of the parties has been succinctly put forward by the parties herein which requires no in-depth discussion as far as the issue in question is concerned.

2. Mr. K. Paul, learned Sr. counsel assisted by Mr. S. Thapa and Mr. S. Khyriem, learned counsel for the petitioners has submitted that briefly, the case of the petitioner society is that, they are residents of an area called R & R Colony, Shillong, and having a distinct identity for all practical purposes.

3. By the impugned notification dated 01.02.2019 issued by the respondent No. 6/Syiem of Myllem, the said respondent No. 6 has notified that it was agreed to include the R & R Colony within the jurisdiction of the Dorbar Shnong Rynjah, Hima Myllem. This was followed by another notification dated 27.05.2019 issued by the respondent No. 7/Dorbar Shnong Rynjah, confirming the said notification (supra) issued by the respondent No. 6.

4. Aggrieved and dissatisfied by the issuance of such notifications, the petitioners have approached this Court, inter alia, with a prayer for setting aside or for direction to the respondents to withdraw, recall the said notifications.

5. However, the learned Sr. counsel for the petitioners has led this Court to an averment made by the respondent Nos. 4 & 5/KHADC, wherein in their affidavit-in-opposition dated 23.08.2019 at para 13 of the same, there is



made a categorical admission that there may have been some procedural lapses on the part of the Syiem of Myllem/respondent No. 6 in the implementation of the related Act meaning the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991 while issuing the related notification. It is therefore the submission of the learned Sr. counsel that the petitioner society would be satisfied, if this petition is disposed of by directing the respondent No. 6/Syiem of Myllem to proceed with the matter in accordance with the relevant provisions of the said 1991 Act.

6. Mr. T.T. Diengdoh, learned Sr. counsel/Special Counsel for the respondent Nos. 4 & 5/KHADC assisted by Mr. C.C.T. Sangma, learned counsel has submitted that in all fairness, the KHADC has pointed out the said lapses and, if directed, would prevail upon the respondent No. 6/Syiem of Myllem to proceed in the matter concerning the petitioners in accordance with the provisions of the said Act, 1991. He therefore submits that, there is no resistant to the prayer of the petitioners to dispose of this matter in this manner.

7. Mr. L. Khyriem, learned counsel for the respondent No. 6/Syiem of Myllem has also candidly admitted that the Syiem of Myllem would have no grievance, if he is allowed to proceed in the matter as has been suggested.

8. Mr. K. Khan, learned AAG assisted by Mr. S. Sengupta, learned Addl. Sr. GA for the State respondent Nos. 1-3 has submitted that the State is



a formal party in these proceedings, but nevertheless, is in agreement with the proposition mooted herein as far as reference of the matter to the Syiem of Myllem to proceed in accordance with law. He has also pointed to the relevant portion of the affidavit-in-opposition dated 09.12.2019 filed by the Deputy Commissioner, East Khasi Hills District, Shillong at para 9, wherein the relevant provision of the said Act, 1991 being Section 3 has been reproduced.

9. On consideration of the submission made, this Court would firstly look into the provision referred to i.e. Section 3 of the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991 which reads as follows:

“3. Formation of new villages and alteration of areas. Boundaries or names of existing villages:- The Chief and his Durbar with the approval of the Executive Committee may, if the majority of the people of the village or villages so desire, by public notification:-

- (i) form a new village by separation of territory from any village or villages or by uniting two or more villages or part of villages or by uniting any territory to a part of any village.
- (ii) increase the area of any village.
- (iii) diminish the area of any village.
- (iv) alter the boundaries of any village.
- (v) alter the name of any village.”

10. On perusal of the impugned notification dated 01.02.2019 and the accompanying notification dated 27.05.2019 issued by the respondent No. 7/Dorbar Shnong Rynjah, this Court is also in agreement with the parties that the provision of the said Act, 1991 have not been complied with by the



concerned authority i.e. the Syiem of Myllem. Since all the parties have agreed that this matter can be disposed of with suitable direction to the concerned authorities without going into the other contentions of the parties, this Court hereby disposed of this petition with the following directions:

- i) That the said notification dated 01.02.2019 as well as the notification dated 27.05.2019 are hereby set aside and quashed;
- ii) That the respondent No. 6/Syiem of Myllem, if desirous or advised, may proceed with the matter concerning the case of the petitioners according to the procedure laid down in the said Act of 1991; and
- iii) That the respondent Nos. 4 & 5/KHADC is also directed to take up the matter on the same being referred to by the Syiem of Myllem and to pass necessary orders.

11. Accordingly, this matter is disposed of in terms of the abovementioned directions.

Judge