



Serial No.09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C)]. No. 130 of 2025 in
WP(C). No. 152 of 2025

Date of Decision: 23.06.2025

1. Smti. Kangse R. Marak.
2. Smti. Jalse R. Marak.

...Applicants

-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. The Deputy CEM/Executive Member,
I/C Land & revenue,
Garo Hills Autonomous District Council (GHADC),
Tura, West Garo Hills District, Meghalaya.
4. Smti. Tharsita R. Marak,
D/o (L) Dewellingson G. Momin,
R/o Wakso, North Garo Hills District,
Meghalaya.

...Opposite Parties



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 for R 1-3.
Mr. P.T.Sangma, Adv. for R 4.

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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. By the instant misc. application, the respondents No. 4 & 5 in WP(C). No. 152 of 2025, as applicants are before this Court assailing an Order No. 62 /GHADC/ Land & Revenue/ 2025, dated 30-05-2025, passed by the Deputy Chief Executive Member, Land & Revenue, GHADC, whereby permission has been granted to remove some quantity of bamboo felled by Maharis of Wakso A'khing as the same may be damaged if not transported urgently.

2. Mr. A.G.Momin, learned counsel for the applicants submits that inspite of the pendency of the matter before this Court, the respondents are



seeking to extract and transport the bamboo. As such, he prays that the order allowing the same be interfered with.

3. Mr. S.Dey, learned SC for the GHADC respondents No. 1-3 and Mr. P.T.Sangma, learned counsel for the respondent No. 4, have voiced their objections and submitted that the felling of bamboo is done by the recognised Nokma i.e. the respondent in the writ petition and there is no illegality involved. Further, the forest not being under the jurisdiction of the Forest Department, or a Council Forest or a Mahari Forest, as such, permission was granted. They further submitted that this misc. application is incompetent and the writ petitioner should have approached the Chief Executive Member.

4. To this, Mr. A.G.Momin, learned counsel for the applicants submits that as the records are pending before this Court, the Chief Executive Member is not in a position to pass any effective orders.

5. Heard learned counsel for the parties. It is correct that the order has been passed by the Deputy Chief Executive Member and any relief that the applicants claim can be sought before the CEM. However, as it is submitted that the records are before this Court, as such, they are permitted to place reliance on the contents of the writ petition, along with the orders passed



therein before the Chief Executive Member. The misc. case is accordingly not entertained by this Court at this stage.

6. Misc. case stands disposed of.

Judge