



Serial No. 26
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 266 of 2024

Date of Decision: 05.06.2025

Smti. Momina Begum.

...Petitioner

-Versus-

1. The State of Meghalaya represented by its Commissioner and Secretary, Revenue and Disaster Management, Shillong.
2. The Deputy Commissioner, East Khasi Hills, Shillong, Meghalaya.
3. The Additional Deputy Commissioner (Rev) East Khasi Hills, Shillong, Meghalaya.
4. The Syiem of Myllem, Mawkhar Main Road, Shillong.
5. Smti. Rekha Rani Das, Wife of Shri. Dibu Das, Resident of Mawbah, Shillong, Meghalaya.
6. The Shillong Municipal Board, Shillong.

...Respondents

**Coram:**

Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner/Applicant(s) : Mr. D.Hynniewta, Adv.

For the Respondent(s) : Ms. I.Lyngwa, GA for R 1-3.
 Mr. L.Khyriem, Adv. for R 4.
 Ms. A.Paul, Sr. Adv. with
 Ms. R.Dutta, Adv. for R 5.
 Mr. Philemon Nongbri, 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. The petitioner, by way of this instant writ petition has impugned an order dated 27-06-2024, passed by the respondent No. 3 on an application made by the petitioner under Section 8 of the Meghalaya Transfer of Land (Regulation) Act, 1971, for eviction of alleged unauthorised occupants.

2. It is submitted by Mr. D.Hynniewta, learned counsel for the petitioner that though the matter was taken up by the respondent No. 3, the impugned order instead of addressing the grievances raised by the petitioner, has only



directed the petitioner to approach the Syiem of Myllem in Dorbar, Shillong or the petitioner approach the competent Civil Court.

3. Ms. A.Paul, learned Sr. counsel assisted by Ms. R.Dutta, learned counsel on behalf of the respondent No. 5, has raised the question of maintainability of the present writ petition and submitted that when an application has been preferred under Section 8 and a statutory appeal is already provided in the same Regulation, this writ petition is not maintainable in its present form. She prays that on this ground of maintainability. the writ petition may be dismissed.

4. Ms. I.Lyngwa, learned GA on behalf of the respondents No. 1, 2 & 3, has submitted that it is a case of allotment and not transfer and as such, the impugned order requires no interference.

5. Mr. L.Khyriem, learned counsel for the respondent No. 4, has concurred the submissions made by the learned GA.

6. Mr. Philemon Nongbri, learned counsel for the respondent No. 6 submits that the said respondent has no role to play in the matter, as such, he has no submissions to make.

7. This Court has considered the submissions made by the learned counsel for the parties and also examined the materials placed on record. It



is correct as submitted by the learned counsel for the petitioner that alleging unauthorised occupation and violation of the Meghalaya Transfer of Land (Regulation) Act, 1971, an application under Section 8 had been preferred before the respondent No. 3, who then by order dated 27-06-2024, had rejected the same. As an appeal has been provided within the Regulation itself as contained in Section 8(4), the appropriate cause of action for the petitioner, notwithstanding the nature of the order, would be to prefer a statutory appeal before the Board of Revenue, which has not been done.

8. On this observation of the Court, Mr. D.Hynniewta, learned counsel for the petitioner prays that he may be allowed to approach the Appellate Authority by way of an appeal. Prayer is allowed.

9. Accordingly, matter stands closed by giving liberty to the petitioner to approach the Appellate Authority, and the time spent in pursuing the matter before the Court may be taken into consideration at the time of condonation.

10. Writ petition accordingly stands disposed of.

Chief Justice (Acting)