



Serial No.01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.52/2025 with
MC (WA) No.71/2025

Date of Order :29.07.2025

Shri Rezaul Karim

..... Appellant

Vs.

1. Garo Hills Autonomous District Council represented by its Secretary, Executive Committee, West Garo Hills, Tura.
2. The Chief Executive Member, Garo Hills Autonomous District Council, Tura.
3. The Executive Member, I/C Revenue & Land, Garo Hills Autonomous District Council, Tura.
4. Shri Nur Alom Siddik

..... Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant

: Mr. S.K. Hassan, Adv

For the Respondents

: Ms. E. Dkhar, Adv for R/1-3

Mr. P.T. Sangma, Adv for R/4

- | | | |
|-----|--|--------|
| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

As the point involved is very short, we propose to dispose of this appeal by treating it as on the day’s list and dispensing with all formalities.

The subject-matter of dispute in this appeal relates to the appointment of a Gaonbura of a village on the death of the person who occupied the office.

There is no dispute that the Executive Instructions under the Assam Land and Revenue Regulation, 1886 are applicable in this appointment procedure.

Instruction 162 is relevant and is set out hereunder:

“162. Nomination and appointment of gaonburas.— *Gaonburas* are appointed by the Deputy Commissioner. In the case of vacancy, the Deputy Commissioner shall take into consideration (a) the claims of the family of the late *gaonbura*, (b) the wishes of the villagers and (c) the views of the *mazuadar*, and shall appoint the person whom he considers most suitable for the post.

In charges consisting entirely of *nisf-khiraj* or *lakhiraj* estate the nomination of *gaonburas* shall rest with the proprietors unless the nominee is plainly unfit.

The Deputy Commissioner may dismiss a *gaonbura* from office after recording his reasons in writing.”

The only change in the application of this instruction to the State of Meghalaya is that in case of Deputy Commissioner, the appointing authority is the Chief Executive Member of the Garo Hills Autonomous District Council, Tura.



Now under the above instruction, this officer in selecting a gaonbura has to take into account (a) the suitability of the legal heirs and representatives of the deceased Gaonbura (b) the will of the villagers and (c) the opinion of the mauzadar.

We are told that the Chief Executive Member has called for an election procedure to select or appoint the Gaonbura where the villagers would vote in favour of their preferred candidates who have filed nominations.

We are not aware of the procedure that the Chief Executive Member proposes to follow after the result of the election is known.

In our view, holding an election is inconsonance with Instruction 162(b) where the officer is required to take into consideration the “wishes of the villagers”. However, he is also to take into account the “claims of the family of the late Gaonbura” and “the view of the mauzadar”.

The details of the procedure for appointment are not prescribed in the instruction.

We are of the view that the Chief Executive Member of the said Council may proceed with the appointment process by holding the election. We lay down the following procedure.



He is directed to treat the appointment procedure as a selection test carrying 100 marks, where the will of the villagers reflected in the election by votes should carry 60 marks or 60% weightage and the claim of the legal heirs and the view of the mauzadar to comprise of 10 marks each or 10% weightage each and viva voice 20 marks or 20% weightage.

On that basis the Chief Executive Member may select and appoint the subject Gaonbura within the stipulated time.

In view of the above, this appeal and the miscellaneous application are disposed of accordingly.

The impugned judgment and order is modified to the above extent.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
29.07.2025
"*Lam* DR-PS"