



Serial No.31
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 288 of 2023

Date of Decision: 11.08.2025

1. Shri. President N. Marak,
S/o (L) Tilo N. Sangma.
2. Smti. Josenni M. Sangma,
W/o. Shri. President N. Marak.
3. Shri. Chempil M. Sangma,
S/o. Shri. President N. Marak.

...Petitioner

-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 Chief Executive Member,
I/C Land & Revenue,
Garo Hills Autonomous District Council (GHADC),
Tura, West Garo Hills District,
Meghalaya.



4. The Executive Member,
I/C Land & Revenue,
Garó Hills Autonomous District Council (GHADC),
Tura, West Garó Hills District,
Meghalaya.
5. Shri. Keneth Momin,
Nokma of Dambo A'king,
R/o. Dambo Bima, P.O. & P.S.
Rongjeng, East Garó Hills District,
Meghalaya.
6. Smti. Meronika Sangma,
Nokma of Dambo A'king,
R/o. Dambo Bima, P.O. & P.S.
Rongjeng, East Garó Hills District,
Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) :	Mr. A.G.Moni, Adv. Ms. L.D.Sangma, Adv.
For the Respondent(s) :	Mr. S.Dey, SC for R1-4. Mr. V.K.Jindal, Sr. Adv. with Mr. I.Kharmujai, Adv. Ms. T.Pohlong, Adv. for R 5 & 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 |
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JUDGMENT AND ORDER (ORAL)

1. The petitioner is before this Court impugning the judgment and order dated 27-02-2020, passed by the respondent No. 4, and the order on appeal therefrom dated 24-05-2023, passed by the respondent No. 2, whereby his prayer for recognition of a separate A'king has been rejected on the ground of res judicata. The case is founded on the claim that under a certain A'king known as Dambo A'king, namely, Wathesa A'mate A'king and Milgiri A'mate A'king, though in existence, were not registered and as such, remained under Dambo A'king, and in 1927, the then Deputy Commissioner, Shri. G.D.Walker, by an order dated 15-01-1927 had approved the demarcation as has been carried out at that point of time, without taking this fact into consideration.

2. Mr. A.G.Momin, learned counsel for the petitioner has submitted that notwithstanding the fact that the orders of the former Deputy Commissioner, dated 1927 existed, the aspect of the existence of the Milgiri A'king within Dambo A'king was never adjudicated fully, and to buttress his arguments, has referred to an order dated 23-06-2006, passed by the respondent No. 4, where in the case of Dambo Wathesa A'king, the same has been recognised and has been entered in the records from 21-07-2006. He further submits



that though the same was appealed against, the same was dismissed and as on today, the Amathe Dambo Wathesa A'king exists. He therefore, prays that the petitioners claim being identical to the Wathesa clan, they be given consideration. It is further submitted that the orders which have been assailed before this Court are bad in law, inasmuch as, the principles as laid down in the case of Dore Sangma has not been followed, inasmuch, no issues either preliminary or otherwise, were framed before dismissing the petitioners petition on the ground of res judicata.

3. Mr. V.K.Jindal, learned Sr. counsel assisted by Mr. I.Kharmujai, learned counsel appearing for the respondents No. 5 & 6, has at the outset submitted that the matter at hand which is sought to be revived by the petitioners has been decided over 90 years ago, and in this connection, has taken this Court to the order dated 15-01-1927 which has been approved by the then Deputy Commissioner, Shri. G.D.Walker. Learned Sr. counsel has also submitted that at that point itself, the boundaries were settled and the finding has been rendered that the Predecessor-in-Interest of the writ petitioners do not possess any Amathe land. An appeal, he submits, was also preferred before the Commissioner who came thereafter, namely, one Shri. J.N.David, who, by an order dated 24-08-1929, rejected the same and a finding was rendered therein at para 5 of the order dated 24-08-1929. Learned Sr. counsel, therefore, submits that the point in question does not



deserve anymore consideration, and the writ petition is liable to be dismissed.

4. Mr. S.Dey, learned counsel appearing for the respondents No. 1-4, has endorsed the submissions made by the learned Sr. counsel for the respondents No. 5 & 6, and further submitted that after the orders had been rendered by the Deputy Commissioner in 1927, and thereafter on 1929, there has been no challenge to the same and it is too late in the day to seek any review or recall of the same.

5. Upon hearing the learned counsel for the parties and examining of the materials on record, the undisputed fact is that the earlier Deputy Commissioner by his order of approval dated 15-01-1927, had recorded in the order, a part of which is extracted hereinbelow as follows:

“In the court of Deputy Commissioner, Garo Hills.

IV-58(5) DAMBO,

No. 180

1926-27

...In conclusion, I would also like to inform you that, in the reports I have given to you on dt. 29-9-29, 1. DORON MOMIN of Wathesa Clan 2. DINGKHAL MOMIN of Rangsa Milgri Clan 3. HOJING MOMIN of MECHENGPHA-AKHONG Clan 4. TAOKHET MOMIN of Dagu Dalbot Clan, even on having the information of me coming to DAMBO village to demarcate the boundaries by erecting the dhips for SINGRENG NOKMA, were not found in the village and also were not there



while erecting the dhips instead they all hid themselves in other village. As they were hiding themselves and unconcern/careless to erect a dhip in the boundaries, it is learned that they do not possessed AMATHE land (a stretch of land within the A.king land, which belongs to none). Herewith, Elaka No. IV-58(5) DAMBO-APHAL, WATHESA, BIMAGITTIM (MILGRIGITHIM) CHAREGITHIM, SINGRENG NOKMA of the Akhing Nokma of Mechengpha Clan of the following villages, do hereby, in accordance the records by elders of the Clan, is annexing the records of the boundaries and a map.”

Further, as correctly pointed out by the learned counsel for the respondents, the matter was taken on appeal and however, stood dismissed. A perusal of the records also shows that a map which has been rendered with regard to the boundaries has also been registered and endorsed by the Deputy Commissioner at that point of time.

6. This Court, therefore to examine as to whether any dispute still remains that can be made subject of any further adjudication, has noted that as submitted by the learned counsel for the petitioner, in 2006, an order has been passed by the Executive Member respondent No. 3, with regard to the claim of Wathesa clan. A perusal of the same shows that the same was viewed from a different perspective and the appeal preferred therefrom was dismissed on the ground of limitation. This Court, however, will not pass any observations or comments on the legality of the said order which seems



to have been rendered without considering the actual circumstances. Coming to the instant matter at hand, though it has been argued by the learned counsel for the petitioners that the principles as enunciated in Dore Sangma has not been followed, a perusal of the said judgment itself which has been reported in (1988) 2 GLR 120, at para 23 reads as follows:

“23. Because of what has been stated above, we are of the firm view that principle of res judicata which is founded on equity, justice and good conscience has to apply to proceedings before the Revenue Member also. Deputy Commissioner, Mr. W.Shaw, having held as early as 4.1.37 (that is, more than five decades before) that the petitioner Dore Sangma was Nokma being Khangee’s own daughter, it is too late in the day to disturb that finding. May we state that the dispute in the present case is between the petitioners who are claiming through Khangee and the opposite parties claiming through Dingma who was the first wife of Goban Marak whereas Khangee is the second wife of Goban. It may be that the appellate order of the Chief Executive Member is founded on good reasons but then that is not enough by itself to undo the order passed by then Deputy Commissioner Mr. Shaw on the selfsame matter on 4.1.37. Principle of res judicata would not allow us to reopen the controversy relating to Nokmaship after the death of Goban Marak.”

7. As such, it can be clearly seen that the situation being similar as discussed in paragraph 23 quoted above, the principle of res judicata will squarely apply to the instant case.



8. In conclusion, in view of the facts and circumstances of the case, especially the long time that has elapsed in seeking to revive or re-adjudicate the claim, the matter deserves no further consideration, the impugned orders are upheld and the writ petition accordingly stands dismissed.

Judge