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| <b><u>Serial No. 01</u></b><br><b><u>Regular List</u></b> |
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**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 496 of 2021 with  
WP(C) No. 416 of 2023  
WP(C) No. 150 of 2024

Date of Decision: 04.08.2025

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**WP(C) No. 496 of 2021**

1. Shri. Kmen Myrchiang  
Aged About 46 years  
S/o Shri. Fidalis Pohrmen  
R/o. Nongtalang, West Jaintia Hills District
2. Smt. Ri Kynti Ryngksai  
Aged About 59 years  
D/o Mrs Shila Ryngksai  
R/o. Dawki, West Jaintia Hills District
3. Shri. Marcony Pohty  
Aged About 47 years  
S/o (L) K.Khonglah  
R/o. Darrang, West Jaintia Hills District
4. Shri. Tan Khongsling  
Aged About 75 years  
S/o (L) Lar Kongwang  
R/o. Darrang, West Jaintia Hills District
5. Shri. Aity Syngkrem  
Aged About 40 years  
D/o(L) Dusimai Syngkrem  
R/o. Dawki, West Jaintia Hills District



6. Smt. Empty Syngkrem  
Aged About 47 years  
D/o(L) Dusimai Syngkrem  
  
R/o. Dawki, West Jaintia Hills District
7. Shri. Konstarwell Lamin  
Aged About 62 years  
S/o (L) Loris Sumer  
  
R/o. Umkrem, East Khasi Hills District
8. Ms. Morgina Sungoh  
Aged About 29years  
D/o Tomi Gassah  
  
R/o. Sankhat, West Jaintia Hills District.
9. Ms. Joysanta Merry Suting  
Aged About 23 years  
D/o Mrs Esterly Suting  
  
R/o. Sankhat, West Jaintia Hills District.
10. Shri. Bok Sungoh  
Aged About 58 years  
S/o (L) Ragon Suchiang  
  
R/o. Sankhat, West Jaintia Hills District.
11. Shri. Tngen Dhar  
Aged About 52 years  
S/o (L) We Lakashiang  
  
R/o. Sankhat, West Jaintia Hills District.
12. Shri. Chobi Shadap  
Aged About 56 years  
S/o (L) Mrs Arban Shadap  
  
R/o. Sankhat, West Jaintia Hills District.



13. Shri. Lumlang Pohti  
Aged About 37 years  
D/o (L) Siangmin Pohti  
  
*R/o. Hawai Bhoi, West Jaintia Hills District.*
14. Smt. Ripa N Pamdhai  
Aged About 46 years  
D/o (L) Don Lamin  
  
*R/o. Nongtalang, West Jaintia Hills District.*
15. Shri. Har Suting  
Aged About 75 years  
S/o (L) Onli Suting  
  
*R/o. Sankhat, West Jaintia Hills District.*
16. Smt. Tngensiful Lamin  
Aged About 58 years  
D/o (L) Hatdu Myrchiang  
  
*R/o. Nongtalang, West Jaintia Hills District.*
17. Smt. Jemnud Lamin  
Aged About 55 years  
D/o (L) Hatdu Myrchiang  
  
*R/o. Nongtalang, West Jaintia Hills District.*
18. Shri. Albert Lakashiang  
Aged About 50 years  
S/o (L) Kwin Lakashiang  
  
*R/o. Hawai Bhoi, West Jaintia Hills District.*
19. Smt. Pyntngen Lyngdoh Kiri  
Aged About 75 years  
D/o (L) Iem L Kiri  
  
*R/o. Nongtalang Mission, West Jaintia Hills District.*



20. Smt. Embhahlang Pohti  
Aged About 33 years  
D/o Smt. Somorin Pohti  
  
*R/o. Nongtalang Mission, West Jaintia Hills District.*
21. Shri. Denis Shadap  
Aged About 45 years  
S/o (L) Elbina Shadap  
  
*R/o. Sankhat, West Jaintia Hills District.*
22. Smt. Sophie Suting  
Aged About 48 years  
W/o Bob Sungoh  
  
*R/o. Sankhat, West Jaintia Hills District.*
23. Smt. Bina Durong  
Aged About 48 years  
  
*R/o. Sankhat, West Jaintia Hills District.*
24. Shri. Wanbor Myrchiang  
Aged About 64 years  
  
*R/o. Nongtalang Mission, West Jaintia Hills District.*
25. Shri. Udisty Ryngksai  
Aged About 60 years  
D/o (L) Lo Ryngksai  
  
*R/o. Darrang, West Jaintia Hills District.*
26. Smt. Timai Ryngksai  
Aged About 75 years  
D/o (L) Lo Ryngksai  
  
*R/o. Darrang, West Jaintia Hills District.*



27. Smt. Philo Tynsong  
Aged About 70 years  
D/o (L) Sngai Tynsong  
  
R/o. Darrang, West Jaintia Hills District.
28. Smt. Mediya Pohsnem  
Aged About 80 years  
D/o (L) Nui Pohsnem  
  
R/o. Darrang, West Jaintia Hills District.
29. Smt. Poonam Tynsong  
Aged About 40 years  
D/o Morgina Tynsong  
  
R/o. Darrang, West Jaintia Hills District.
30. Shri. Brik Tynsong  
Aged About 44 years  
S/o (L) Kindro Pohti  
  
R/o. Darrang, West Jaintia Hills District.
31. Shri. Comfort Lynthong  
Aged About 52 years  
S/o (L) Elibon Lynthong  
  
R/o. Amjalong, West Jaintia Hills District.
32. Shri. Marjan Lakashiang  
Aged About 32 years  
S/o Minchiang Lamin  
  
R/o. Sankhat, West Jaintia Hills District.
33. Smt. Quality Lakashiang  
Aged About 40 years  
D/o Airis Lakashiang  
  
R/o. Sankhat, West Jaintia Hills District.



34. Shri. Use Pamblang  
Aged About 28 years  
S/o Shri Kiat Khyriem  
  
R/o. Pasadwar, West Jaintia Hills District.
35. Smt. Iaid Khongiong  
Aged About 60 years  
D/o (L) David Myllem  
  
R/o. Sankhat, West Jaintia Hills District.
36. Smt. Onika Suting  
Aged About 30 years  
D/o Mrs Kwe Suting  
  
R/o. Sankhat, West Jaintia Hills District.
37. Smt. Dap Myllem  
Aged About 48 years  
D/o (L) Nit Myllem  
  
R/o. Sankhat, West Jaintia Hills District.
38. Smt. Dhar Khongiong  
Aged About 45 years  
D/o Mrs Pleris Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
39. Smt. Berali Khongiong  
Aged About 36 years  
D/o Mrs Iaid Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
40. Smt. Moi Myllem  
Aged About 62 years  
D/o Mrs Nit Myllem  
  
R/o. Sankhat, West Jaintia Hills District.



41. Smt. Bistilda Khongiong  
Aged About 50 years  
D/o (L) N.Starling Iangrai  
  
*R/o. Sankhat, West Jaintia Hills District.*
42. Shri. Kelmon Khongiong  
Aged About 30 years  
S/o Kynjli Shadap  
  
*R/o. Sankhat, West Jaintia Hills District.*
43. Shri. Long Lyngdoh  
Aged About 45 years  
S/o Shri Bijun Lamare  
  
*R/o. Sankhat, West Jaintia Hills District.*
44. Smt. Lostme Lyngdoh  
Aged About 45 years  
S/o (L) Mrs Deh Lyngdoh  
  
*R/o. Sankhat, West Jaintia Hills District.*
45. Shri. Dhone Lyngdoh  
Aged About 52 years  
D/o (L) Mrs Deh Lyngdoh  
  
*R/o. Sankhat, West Jaintia Hills District.*
46. Shri. Mimi Sungoh  
Aged About 30 years  
S/o Arbili Sungoh  
  
*R/o. Sankhat, West Jaintia Hills District.*
47. Shri. Lurshai Khonglah  
Aged About 62 years  
S/o (L) Bishra Pohshna  
  
*R/o. Sankhat, West Jaintia Hills District.*



48. Smt. Oldis Khongiong  
Aged About 54 years  
D/o (L) David Myllem  
  
*R/o. Sankhat, West Jaintia Hills District.*
49. Shri. Rum Manar  
Aged About 49 years  
S/o (L) Mrs Be Manar  
  
*R/o. Amtapoh, West Jaintia Hills District.*
50. Shri. Bolai Sumer  
Aged About 46 years  
S/o Small Kassar  
  
*R/o. Sankhat, West Jaintia Hills District.*
51. Shri. Hedrik Dhar  
Aged About 63 years  
S/o (L) We Lakashieng  
  
*R/o. Sankhat, West Jaintia Hills District.*
52. Smt. Rida Khongiong  
Aged About 42 years  
D/o Sophir Khongiong  
  
*R/o. Sankhat, West Jaintia Hills District.*
53. Smt. Irinda Khongiong  
Aged About 40 years  
D/o Morina Khongiong  
  
*R/o. Sankhat, West Jaintia Hills District.*
54. Shri. Saimon Shadap  
Aged About 35 years  
S/o Sarmen Shadap  
  
*R/o. Sankhat, West Jaintia Hills District.*



55. Shri. Mone Shadap  
Aged About 45 years  
S/o (L) Delilal Joshi  
  
R/o. Sankhat, West Jaintia Hills District.
56. Smt. Theisolong Suting  
Aged About 35 years  
D/o Sophie Suting  
  
R/o. Sankhat, West Jaintia Hills District.
57. Smt. Wiles Khongiong  
Aged About 47 years  
D/o Kmir Khongiong  
  
R/o. Sankhat, West Jaintia Hills District
58. Shri. Dar Suting  
Aged About 55 years  
S/o (L) Biang Mukhim  
  
R/o. Sankhat, West Jaintia Hills District.
59. Smt. Income Gashnga  
Aged About 55 years  
D/o (L) Blue Gashnga  
  
R/o. Sankhat, West Jaintia Hills District.
60. Shri. Biju Shadap  
Aged About 40 years  
S/o Nayyar Sanmurgam  
  
R/o. Sankhat, West Jaintia Hills District.



61. Smt. Rihun Khongjoh  
Aged About 38 years  
D/o Second Khongjoh  
  
R/o. Sankhat, West Jaintia Hills District.
62. Smt. Hel Suting  
Aged About 60 years  
D/o (L) Oli Suting  
  
R/o. Sankhat, West Jaintia Hills District.
63. Shri. Amin Suting  
Aged About 62 years  
D/o (L) Oli Suting  
  
R/o. Sankhat, West Jaintia Hills District.
64. Shri. Moni Khongiong  
Aged About 60 years  
S/o (L) Rom Pohleng  
  
R/o. Sankhat, West Jaintia Hills District.
65. Shri. Keni Khongiong  
Aged About 50 years  
S/o (L) Rom Pohleng  
  
R/o. Sankhat, West Jaintia Hills District.
66. Smt. Sweetme Khongiong  
Aged About 25 years  
D/o Samuel Sangma  
  
R/o. Sankhat, West Jaintia Hills District.
67. Shri. Long Dhar  
Aged About 75 years  
S/o (L) We Lakashieng  
  
R/o. Sankhat, West Jaintia Hills District.



68. Smt. Erila Khongiong  
Aged About 23 years  
D/o Rusty Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
69. Shri. Bren Najiar  
Aged About 50 years  
S/o (L) Bill Najiar  
  
R/o. Sankhat, West Jaintia Hills District.
70. Smt. Eral Khongiong  
Aged About 37 years  
D/o Long Dhar  
  
R/o. Sankhat, West Jaintia Hills District.
71. Smt. Baribha Khongiong  
Aged About 30 years  
D/o Pleasetila Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
72. Shri. Phumen Shadap  
Aged About 75 years  
S/o Langtuk Shadap  
  
R/o. Sankhat, West Jaintia Hills District.
73. Smt. Siang Sumer  
Aged About 47 years  
D/o (L) Bareh Sumer  
  
R/o. Nongtalang, West Jaintia Hills District.
74. Smt. Riew Bareh  
Aged About 69 years  
D/o (L) Long Bareh  
  
R/o. Nongtalang, West Jaintia Hills District.



75. Smt. Amvalina Buam  
Aged About 41 years  
D/o Molini Buam  
  
R/o. Muktapur, West Jaintia Hills District.
76. Smt. Nong Pohtam  
Aged About 60 years  
D/o (L) Ron Pohtam  
  
R/o. Muktapur, West Jaintia Hills District
77. Shri. Jiten Buam  
Aged About 50 years  
S/o Phre Pohshna  
  
R/o. Muktapur, West Jaintia Hills District
78. Shri. Rajesh Nonglamin  
Aged About 39 years  
S/o (L) Kulab Nonglamin  
  
R/o. Muktapur, West Jaintia Hills District
79. Smt. Teng Manner  
Aged About 69 years  
D/o (L) Lakhi Manner  
  
R/o. Muktapur, West Jaintia Hills District
80. Shri. Hap Dhar  
Aged About 63 years  
S/o Long Dhar  
  
R/o. Hawaii Bhoi, West Jaintia Hills District
81. Shri. Firstborn Pohti  
Aged About 25 years  
S/o (L) Li Sungoh  
  
R/o. Hawaii Bhoi, West Jaintia Hills District



82. Shri. Sarteng Syrty  
Aged About 60 years  
S/o Sarmen Syrti  
  
R/o. Hawaii Bhoi, West Jaintia Hills District
83. Shri. Star Timung  
Aged About 33 years  
S/o (L) Mon Timung  
  
R/o. Hawaii Bhoi, West Jaintia Hills District
84. Shri. Kongnge Syrty  
Aged About 38 years  
S/o Sarmen Syrti  
  
R/o. Hawaii Bhoi, West Jaintia Hills District
85. Shri. Dictorson Pohplet  
Aged About 47 years  
S/o Melina Pohplet  
  
R/o. Muktapur, West Jaintia Hills District
86. Shri. Rallendar Pohti  
Aged About 56 years  
S/o C. Lamin  
  
R/o. Muktapur, West Jaintia Hills District
87. Smt. Darihun Sumer  
Aged About 26 years  
D/o Bilty Sumer  
  
R/o. Muktapur, West Jaintia Hills District
88. Shri. Ravis Syndai  
Aged About 47 years  
S/o Mrs Suliang Syndai  
  
R/o. Muktapur, West Jaintia Hills District



89. Shri. Benediction Buam  
Aged About 40 years  
S/o Raphael Khonglah  
  
R/o. Muktapur, West Jaintia Hills District
90. Smt. Molini Buam  
Aged About 65 years  
D/o (L) Syntu Buam  
  
R/o. Muktapur, West Jaintia Hills District
91. Smt. Maya Pohlong  
Aged About 55 years  
D/o (L) Pohbai Pohlong  
  
R/o. Muktapur, West Jaintia Hills District
92. Smt. Jingshai Kynsai  
Aged About 37 years  
D/o Temi Kynsai  
  
R/o. Muktapur, West Jaintia Hills District
93. Smt. Sylvia Buam  
Aged About 33 years  
D/o (L) Chiang Buam  
  
R/o. Muktapur, West Jaintia Hills District
94. Smt. Rmen Lakuna  
Aged About 74 years  
D/o (L) Smt Nong Lakuna  
  
R/o. Muktapur, West Jaintia Hills District
95. Shri. Bin Suting  
Aged About 75 years  
S/o (L) Phur Surong  
  
R/o. Muktapur, West Jaintia Hills District



96. Smt. Merciful Pakyntein  
Aged About 46 years  
D/o Chiang Pakyntein  
  
R/o. Muktapur, West Jaintia Hills District
97. Smt. Lucy Lakashiang  
Aged About 47 years  
D/o Mary Lakashiang  
  
R/o. Muktapur, West Jaintia Hills District
98. Smt. Bailin Syndai  
Aged About 63 years  
D/o (L) Lakuna Pohbai  
  
R/o. Muktapur, West Jaintia Hills District
99. Shri. Willy Pohplet  
Aged About 70 years  
S/o (L) D. Khyriem  
R/o. Muktapur, West Jaintia Hills District
100. Smt. Plastic Pala  
Aged About 65 years  
D/o (L) Eltimai Pala  
  
R/o. Muktapur, West Jaintia Hills District
101. Smt. Beautiful Pakyntein  
Aged About 54 years  
D/o Chiang Pakyntein  
  
R/o. Muktapur, West Jaintia Hills District
102. Shri. Wespersion Pohbai  
Aged About 45 years  
S/o (L) Kilbis Dhar  
  
R/o. Muktapur, West Jaintia Hills District



103. Shri. Burma Lyngdoh  
Aged About 70 years  
S/o(L) Hat Bareh Pohlynjar  
  
R/o. Nongtalang, West Jaintia Hills District
104. Ms. Sawandashisha Pohlynjar  
Aged About 25 years  
D/o Mr. Burma Lyngdoh  
  
R/o. Nongtalang, West Jaintia Hills District
105. Ms. Shing Lama Myrchiang  
Aged About 74 years  
D/o Belgium Myrchiang  
  
R/o. Nongtalang, West Jaintia Hills District
106. Smt. Molida Pamthied  
Aged About 67 years  
D/o (L) Priss Pamthied  
  
R/o. Amjalong, West Jaintia Hills District
107. Smti. Cicilia Lynthong  
Aged About 57 years  
D/o Mrs. Sidia Lynthong  
  
R/o. Amjalong, West Jaintia Hills District
108. Ms. Priyanka Lyngthong  
Aged About 30 years  
D/o Longmin Lynthong  
  
R/o. Amjalong, West Jaintia Hills District
109. Shri. Command Rymbui  
Aged About 47 years  
S/o (L) Releaseborn Rymbui  
  
R/o. Nongtalang Mission, West Jaintia Hills District



110. Smt. Rati Myrchiang  
Aged About 37 years  
D/o Solbi Myrchiang  
  
R/o. Nongtalang, West Jaintia Hills District
111. Smt. Hynchar Pohchen  
Aged About 82 years  
D/o (L) Ron Pohchen  
  
R/o. Nongtalang, West Jaintia Hills District
112. Smt. Sah Pohlynjar  
Aged About 60 years  
D/o (L) Long Pohlynjar  
  
R/o. Nongtalang, West Jaintia Hills District
113. Smt. Moti Pohlynjar  
Aged About 60 years  
D/o (L) Deng Pohlynjar  
  
R/o. Nongtalang, West Jaintia Hills District
114. Smt. Min Lyngdoh  
Aged About 60 years  
D/o (L) Kat Bareh Lyngdoh  
  
R/o. Nongtalang, West Jaintia Hills District
115. Smt. Kmen Pohti  
Aged About 55 years  
D/o (L) Mibel Pohti  
  
R/o. Nongtalang, West Jaintia Hills District
116. Smt. Law Myrchiang  
Aged About 46 years  
D/o (L) Long Myrchiang  
  
R/o. Nongtalang, West Jaintia Hills District



117. Smt. Sidora Lamin  
Aged About 43 years  
D/o (L) Mrs Dengdu Lamin  
  
R/o. Nongtalang, West Jaintia Hills District
118. Smt. Rekha Tongper  
Aged About 39 years  
D/o Mrs Kat Tongper  
  
R/o. Nongtalang, West Jaintia Hills District
119. Smt. Siang Nongpoh  
Aged About 70 years  
D/o (L) Mrs Shing Nongpoh  
  
R/o. Nongtalang, West Jaintia Hills District
120. Smt. Hynchar Padu  
Aged About 61 years  
D/o (L) Mrs Men Padu  
  
R/o. Nongtalang, West Jaintia Hills District
121. Smt. Ewanpynhun Padu  
Aged About 25 years  
D/o (L) Lina Padu  
  
R/o Nongtalang, West Jaintia Hills District
122. Smt. Fatima Padu  
Aged About 38 years  
D/o Doh Padu  
  
R/o Nongtalang, West Jaintia Hills District
123. Smt. Nerit Padu  
Aged About 49 years  
D/o (L) Toi Padu  
  
R/o Nongtalang, West Jaintia Hills District



124. Smt. Ruby Pohshna  
Aged About 56 years  
D/o (L) Long Pohshna  
  
R/o Nongtalang, West Jaintia Hills District
125. Shri. Covermewell Pamdhai  
Aged About 37 years  
S/o Roma N Pamdhai  
  
R/o Nongtalang, West Jaintia Hills District
126. Smt. Nazareth Nonglamin  
Aged About 32 years  
D/o Kmenlang Nonglamin  
  
R/o Nongtalang, West Jaintia Hills District
127. Shri. Reagan Buam  
Aged About 23 years  
S/o Smt. Shing Buam  
  
R/o. Nongtalang, West Jaintia Hills District
128. Smt. Soly Lyngdoh Giri  
Aged About 60 years  
D/o (L) Hat Lyngdoh Giri  
  
R/o Nongtalang, West Jaintia Hills District
129. Smt. Ron Gassar  
Aged About 67 years  
D/o (L) Chuimin Kassar  
  
R/o Nongtalang, West Jaintia Hills District
130. Smt. Hat Lyngdoh Giri  
Aged About 75 years  
D/o (L) Eldi Lyngdoh Giri  
  
R/o Nongtalang, West Jaintia Hills District



131. Smt. Delimai Pohti  
Aged About 67 years  
D/o (L) Kwill Pohti  
  
R/o. Nongtalang Mission, West Jaintia Hills District
132. Smt. Philisbon Rymbui  
Aged About 62 years  
D/o (L) Prince Rymbui  
  
R/o. Nongtalang Mission, West Jaintia Hills District
133. Smt. Haibahun Rymbui  
Aged About 34 years  
D/o Dohri Rymbui  
  
R/o. Nongtalang Mission, West Jaintia Hills District
134. Smt. Nemsimai Lyngdoh Giri  
Aged About 65 years  
D/o (L) Labon LyngdohGiri  
  
R/o. Nongtalang Mission, West Jaintia Hills District
135. Shri. Dapmon Tariang  
Aged About 71 years  
S/o Elphimai Tariang  
  
R/o. Nongtalang Mission, West Jaintia Hills District
136. Smt. Pretty Rymbui  
Aged About 52 years  
D/o (L) Shilak Rymbui  
  
R/o. Nongtalang Mission, West Jaintia Hills District
137. Smt. Kyrmensoi Rymbui  
Aged About 60 years  
D/o (L) Shilak Rymbui  
  
R/o. Nongtalang Mission, West Jaintia Hills District



138. Smt. Bima Myrchiang  
Aged About 39 years  
D/o Mrs. Kat Myrchiang  
  
R/o. Nongtalang, West Jaintia Hills District
139. Shri. Pillarson Nongpoh  
Aged About 54 years  
S/o (L) Bilamai Nongpoh  
  
R/o. Nongtalang, West Jaintia Hills District
140. Smt. Sunita Pohsnem  
Aged About 45 years  
D/o Sahmin Pohsnem  
  
R/o. Nongtalang, West Jaintia Hills District
141. Smt. Rusila Lyngdoh Talang  
Aged About 47 years  
D/o (L) Law L. Talang  
  
R/o. Nongtalang, West Jaintia Hills District
142. Shri. Min Lyngdoh Rad  
Aged About 59 years  
S/o Phri Lyngdoh Rad  
  
R/o. Nongtalang, West Jaintia Hills District
143. Shri. Long Bareh  
Aged About 63 years  
S/o (L) Rieng Myrchiang  
  
R/o. Nongtalang, West Jaintia Hills District
144. Smt. Bon Lyngdoh Talang  
Aged About 63 years  
D/o (L) Chui L Talang  
  
R/o. Nongtalang, West Jaintia Hills District



145. Shri. K. Rymbui  
Aged About 61 years  
S/o (L) Sadar Lyngdoh Rad  
  
R/o. Nongtalang, West Jaintia Hills District
146. Shri. J. Donbor Dkhar  
Aged About 48 years  
S/o Jophola Thohrem  
  
R/o. Nongsophan, East Khasi Hills District
147. Smt. Ailad Kharluni.  
Aged About 50 years  
D/o Jophola Thohrem  
R/o. Nongsophan, East Khasi Hills District

**... Petitioner(s)**

**-Versus-**

1. Union of India represented by the Home Secretary, New Delhi-110001.
2. The Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi-110001
3. The Union of India, represented by the Secretary to the Government of India, Ministry of External Affairs, New Delhi-110001
4. Government of Meghalaya represented by The Chief Secretary
5. Commissioner & Secretary Political Department Government of Meghalaya Shillong.
6. Commissioner & Secretary Disaster Management, Government of Meghalaya, Shillong



7. Director Survey of Meghalaya, Shillong.
8. Collector, West Jaintia Hills District, Jowai.
9. Collector, East Khasi Hills District, Shillong.
10. Jaintia Hills Autonomous District Council,  
Jowai
11. Khasi Hills Autonomous District Council,  
Shillong
12. National Building Construction Corporation  
Limited.

....Respondent(s)

**WP(C) No. 416 of 2023**

1. Dorbar Elaka Satpator,  
West Jaintia Hills District, Meghalaya  
Represented by its Doloi,  
Shri Daman Lakashieng

... Petitioner(s)

- Versus -

1. State of Meghalaya represented by  
The Secretary to the Government of Meghalaya,  
Revenue & Disaster Management Department, Shillong
2. The Deputy Commissioner in-charge,  
West Jaintia Hills District, Jowai
3. Shri Erwin Sutnga,  
R/o Umsohsun, Shillong  
East Khasi Hills District, Meghalaya
4. Shri Kmen Myrchiang,  
S/o Shri Fidelis Pohrmen, aged about 49 years,  
R/o H. No. 78, Nongtalang Village, Shnongpdeng Locality,  
West Jaintia Hills, Meghalaya-793109



5. Shri Denis Shadap, aged about 48 years  
S/o (L) Elbina Shadap  
R/o Sankhat, West Jaintia Hills District.
6. Shri Kelmon Khongiong, aged about 53 years  
D/o (L) N. Starling Iangrai,  
R/o Sankhat, West Jaintia Hills District.
7. Shri Chobi Shadap, aged about 59 years  
S/o (L) Mrs. Arban Shadap,  
R/o Sankhat, West Jaintia Hills District.
8. Smti Estarly Suting, aged about 48 years  
D/o (L) Owen Manar,  
R/o Sankhat, West Jaintia Hills District

.... Respondent(s)

**WP(C) No. 150 of 2024**

1. Shri. Kmen Myrchiang  
Aged About 49 years  
S/o Shri. Fidalis Pohrmen  
  
R/o. H.No. 78, Nongtalang Village,  
West Jaintia Hills District
2. Ms. Morgina Sungoh  
Aged About 29years  
D/o Tomi Gassah  
  
R/o. Sankhat, West Jaintia Hills District.
3. Ms. Joysanta Merry Suting  
Aged About 23 years  
D/o Mrs Esterly Suting  
  
R/o. Sankhat, West Jaintia Hills District.



4. Shri. Bok Sungoh  
Aged About 58 years  
S/o (L) Ragon Suchiang  
  
R/o. Sankhat, West Jaintia Hills District.
5. Shri. Tngen Dhar  
Aged About 52 years  
S/o (L) We Lakashiang  
  
R/o. Sankhat, West Jaintia Hills District.
6. Shri. Chobi Shadap  
Aged About 56 years  
S/o (L) Mrs Arban Shadap  
  
R/o. Sankhat, West Jaintia Hills District
7. Shri. Har Suting  
Aged About 75 years  
S/o (L) OnliSuting  
  
R/o. Sankhat, West Jaintia Hills District
8. Shri. Denis Shadap  
Aged About 45 years  
S/o (L) Elbina Shadap  
  
R/o. Sankhat, West Jaintia Hills District.
9. Smt. Sophie Suting  
Aged About 48 years  
W/o Bob Sungoh  
  
R/o. Sankhat, West Jaintia Hills District.
10. Smt. Bina Durong  
Aged About 48 years  
  
R/o. Sankhat, West Jaintia Hills District.



11. Shri. Wanbor Myrchiang  
Aged About 64 years

*R/o. Nongtalang Mission,  
West Jaintia Hills District*

12. Shri. Marjan Lakashiang  
Aged About 32 years  
S/o Minchiang Lamin

*R/o. Sankhat, West Jaintia Hills District.*

13. Smt. Quality Lakashiang  
Aged About 40 years  
D/o Airis Lakashiang

*R/o. Sankhat, West Jaintia Hills District.*

14. Shri. Use Pamblang  
Aged About 28 years  
S/o Shri Kiat Khyriem

*R/o. Pasadwar, West Jaintia Hills District.*

15. Smt. Iaid Khongiong  
Aged About 60 years  
D/o (L) David Mylliem

*R/o. Sankhat, West Jaintia Hills District.*

16. Smt. Onika Suting  
Aged About 30 years  
D/o Mrs KweSuting

*R/o. Sankhat, West Jaintia Hills District.*



17. Smt. Dap Myllem  
*Aged About 48 years*  
D/o (L) Nit Myllem  
R/o. Sankhat, West Jaintia Hills District
18. Smt. Dhar Khongiong  
*Aged About 45 years*  
D/o Mrs Pleris Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
19. Smt. Berali Khongiong  
*Aged About 36 years*  
D/o Mrs IaidKhongiong  
  
R/o. Sankhat, West Jaintia Hills District.
20. Smt. Moi Myllem  
*Aged About 62 years*  
D/o Mrs Nit Myllem  
  
R/o. Sankhat, West Jaintia Hills District.
21. Smt. Bistilda Khongiong  
*Aged About 50 years*  
D/o (L) N.Starling Iangrai  
  
R/o. Sankhat, West Jaintia Hills District.
22. Shri. Kelmon Khongiong  
*Aged About 30 years*  
S/o Kynjli Shadap  
  
R/o. Sankhat, West Jaintia Hills District.
23. Shri. Long Lyngdoh  
*Aged About 45 years*  
S/o Shri Bijun Lamare  
  
R/o. Sankhat, West Jaintia Hills District.



24. Smt. Lostme Lyngdoh  
Aged About 45 years  
S/o (L) Mrs Deh Lyngdoh  
  
R/o. Sankhat, West Jaintia Hills District.
25. Shri. Dhone Lyngdoh  
Aged About 52 years  
D/o (L) Mrs Deh Lyngdoh  
  
R/o. Sankhat, West Jaintia Hills District.
26. Shri. Mimi Sungoh  
Aged About 30 years  
S/o Arbili Sungoh  
  
R/o. Sankhat, West Jaintia Hills District.
27. Shri. Lurshai Khonglah  
Aged About 62 years  
S/o (L) Bishra Pohshna  
  
R/o. Sankhat, West Jaintia Hills District.
28. Smt. Oldis Khongiong  
Aged About 54 years  
D/o (L) David Myllem  
  
R/o. Sankhat, West Jaintia Hills District.
29. Shri. Rum Manar  
Aged About 49 years  
S/o (L) Mrs Be Manar  
  
R/o. Amtapoh, West Jaintia Hills District.



30. Shri. Bolai Sumer  
Aged About 46 years  
S/o Small Kassar  
  
R/o. Sankhat, West Jaintia Hills District.

31. Shri. Hedrik Dhar  
Aged About 63 years  
S/o (L) We Lakashiang  
  
R/o. Sankhat, West Jaintia Hills District.

32. Smt. Rida Khongiong  
Aged About 42 years  
D/o Sophir Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.

33. Smt. Irinda Khongiong  
Aged About 40 years  
D/o Morina Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.

34. Shri. Saimon Shadap  
Aged About 35 years  
S/o Sarmen Shadap  
  
R/o. Sankhat, West Jaintia Hills District.

35. Shri. Mone Shadap  
Aged About 45 years  
S/o (L) Delilal Joshi  
  
R/o. Sankhat, West Jaintia Hills District.



36. Smt. Theisolong Suting  
Aged About 35 years  
D/o Sophie Suting  
  
R/o. Sankhat, West Jaintia Hills District

37. Smt. Wiles Khongiong  
Aged About 47 years  
D/o Kmir Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.

38. Shri. Dar Suting  
Aged About 55 years  
S/o (L) Biang Mukhim  
  
R/o. Sankhat, West Jaintia Hills District.

39. Smt. Income Gashnga  
Aged About 55 years  
D/o (L) Blue Gashnga  
  
R/o. Sankhat, West Jaintia Hills District.

40. Shri. Biju Shadap  
Aged About 40 years  
S/o Nayyar Sanmurgam  
  
R/o. Sankhat, West Jaintia Hills District

41. Smt. Rihun Khongjoh  
Aged About 38 years  
D/o Second Khongjoh  
  
R/o. Sankhat, West Jaintia Hills District.



42. Smt. Hel Suting  
Aged About 60 years  
D/o (L) Oli Suting  
  
R/o. Sankhat, West Jaintia Hills District.
43. Shri. Amin Suting  
Aged About 62 years  
D/o (L) Oli Suting  
  
R/o. Sankhat, West Jaintia Hills District.
44. Shri. Moni Khongiong  
Aged About 60 years  
S/o (L) Rom Pohleng  
  
R/o. Sankhat, West Jaintia Hills District.
45. Shri. Keni Khongiong  
Aged About 50 years  
S/o (L) Rom Pohleng  
  
R/o. Sankhat, West Jaintia Hills District.
46. Smt. Sweetme Khongiong  
Aged About 25 years  
D/o Samuel Sangma  
  
R/o. Sankhat, West Jaintia Hills District.
47. Shri. Long Dhar  
Aged About 75 years  
S/o (L) We Lakashieng  
  
R/o. Sankhat, West Jaintia Hills District.



48. Smt. Erila Khongiong  
Aged About 23 years  
D/o Rusty Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
49. Shri. Bren Najiar  
Aged About 50 years  
S/o (L) Bill Najiar  
  
R/o. Sankhat, West Jaintia Hills District.
50. Smt. Eral Khongiong  
Aged About 37 years  
D/o Long Dhar  
  
R/o. Sankhat, West Jaintia Hills District.
51. Smt. Baribha Khongiong  
Aged About 30 years  
D/o Pleasetila Khongiong  
  
R/o. Sankhat, West Jaintia Hills District.
52. Shri. Phumen Shadap  
Aged About 75 years  
S/o Langtuk Shadap  
R/o. Sankhat, West Jaintia Hills District
53. Smt. Riew Bareh  
Aged About 69 years  
D/o (L) Long Bareh  
R/o. Nongtalang, West Jaintia Hills District



54. Shri. Dapmon Tariang  
Aged About 71 years  
S/o Elphimai Tariang  
R/o. Nongtalang Mission, West Jaintia Hills District
55. Shri. Long Bareh  
Aged About 63 years  
S/o (L) Riang Myrchiang  
  
R/o. Nongtalang, West Jaintia Hills District
56. Smt. Bon Lyngdoh Talang  
Aged About 63 years  
D/o (L) Chui L Talang  
  
R/o. Nongtalang, West Jaintia Hills District
57. Shri. K. Rymbui  
Aged About 61 years  
S/o (L) Sadar Lyngdoh Rad  
R/o. Nongtalang, West Jaintia Hills District
58. Smt. Mili Bareh  
Aged About 55 years  
C/o Jaliakhola, West Jaintia Hills District
59. Shri. Albert Lakashiang  
Aged About-53 years  
S/o (L) Kwin Lakashiang  
R/o Hawai Bhoi, West Jaintia Hills District.
60. Shri. Hap Dhar  
Aged About 65 years  
S/o Long Dhar  
R/o Hawai Bhoi, West Jaintia Hills District.
61. Shri. Firstborn Pohti  
Aged About- 27 years  
S/o (L) Li Sungoh  
R/o Hawai Bhoi, West Jaintia Hills District.



62. Sarteng Syrti  
Aged About- 63 years  
S/o Sarmen Syrti  
R/o Hawai Bhoi, West Jaintia Hills District.
63. Star Timung  
Aged About- 36 years  
S/o (L) Mon Timung  
R/o Hawai Bhoi, West Jaintia Hills District.
64. Kongnge Syrti  
Aged About- 41 years  
S/o Sarmen Syrti  
R/o Hawai Bhoi, West Jaintia Hills District.
65. Smt. Ron Gassar  
Aged About- 67 years  
D/o (L) Chuimin Kassar  
R/o Nongtalang, West Jaintia Hills District.
66. Smt. Delimai Pohti  
Aged About- 70 years  
D/o (L) Kwill Pohti  
R/o Nongtalang Mission,  
West Jaintia Hills District      **...Petitioner(s)**

**-Versus –**

1. Government of Meghalaya represented by the Chief Secretary
2. Commissioner & Secretary Political Department  
Government of Meghalaya Shillong.
3. Commissioner & Secretary Disaster Management,  
Government of Meghalaya, Shillong



4. Director Survey of Meghalaya, Shillong.
5. Collector, West Jaintia Hills District, Jowai.
6. Dorbar Elaka Satpator, West Jaintia Hills District, Meghalaya, represented by its Dolo, Shri. Daman Lakashiang.
7. Shri. Erwin K. Sutnga,  
R/o Umsohsun, Shillong,  
East Khasi Hills District Meghalaya.

.... Respondent(s)

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**Coram:**

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

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**Appearance: in WP(C) No. 496 of 2021**

- |                       |   |                                                                                                                                                                                                                                                                         |
|-----------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner(s) | : | Mr. H.L. Shangreiso, Sr, Adv. with<br>Mr. T. Dkhar, Adv.<br>Ms. M. Hajong, Adv.                                                                                                                                                                                         |
| For the Respondent(s) | : | Mr. R. Debnath, CGC (For R 1-3)<br>Mr. A. Kumar, AG with<br>Ms. R. Colney, GA (For R 4-9)<br>Dr. N. Mozika, DSGI with<br>Ms. M. Myrchiang, Adv. (For R 10)<br>Mr. T.T. Diengdoh, Sr. Adv. with<br>Mr. C.C.T. Sangma, Adv. (For R 11)<br>Mr. P.R. Paske, Adv. (For R 12) |

**Appearance: in WP(C) No. 416 of 2023**

- |                       |   |                                                                                                                                                                                        |
|-----------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner(s) | : | Mr. M.L. Nongpiur, Adv.                                                                                                                                                                |
| For the Respondent(s) | : | Mr. A. Kumar, AG with<br>Ms. R. Colney, GA (For R 1&2)<br>Mr. A.M. Pala, Adv. (For R 3)<br>Mr. H.L. Shangreiso, Sr, Adv. with<br>Mr. T. Dkhar, Adv.<br>Ms. M. Hajong, Adv. (For R 4-8) |



**Appearance: in WP(C) No. 150 of 2024**

For the Petitioner(s) : Mr. H.L. Shangreiso, Sr, Adv. with  
Mr. T. Dkhar, Adv.  
Ms. M. Hajong, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with  
Ms. R. Colney, GA (For R 1-5)  
Mr. M.L. Nongpiur, Adv. (For R 6)  
Mr. M. Prasad, Adv. with  
Mr. A.M. Pala, Adv. (For R 7)

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

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**JUDGMENT AND ORDER**

1. These three writ petitions which are concerned with and relate to the construction of the Border Fencing-cum-Road in the Indo-Bangladesh border, involving two sectors one in East Khasi Hills and one in West Jaintia Hills, questioning the process of land acquisition and the physical demarcation, or location of the fencing along the acquired land, are being disposed of by this common Judgment and Order.

2. **WP(C) No. 496 of 2021**

In this writ petition, the writ petitioner and 147 others have prayed for the setting aside and quashing of preliminary Notification



dated 14.12.2021, 22.06.2021, Declaration dated 24.08.2021 and Public Notice dated 02.01.2017 pursuant to preliminary Notification 14.12.2016 and a letter dated 01.07.2021, issued by the JHADC. Further prayers made in the writ petition are for directions to be heard before finalization and demarcation of the boundary, to direct the Union respondents and the State respondents to erect the fencing within 11 meters from the existing boundary pillars and not from 150 yards by paying suitable compensation and for directions to the Union and State respondents to acquire the remaining 150 yards 11 meters from the existing boundary pillars by payment of adequate compensation.

3. **WP(C) No. 416 of 2023**

The writ petitioner in this writ petition which is stated to be the Traditional Dorbar of Satpator Elaka has prayed for the quashing and setting aside of an impugned letter/proceedings dated 22.11.2023, issued by the Deputy Commissioner, West Jaintia Hills, whereby though the process of land acquisition for the concerned stretch was completed in the name of Doloiship of Elaka Satpator and has reached the award stage by the impugned letter, the same has been halted due to objections by the respondent No. 3.



4. **WP(C) No. 150 of 2024**

The petitioner No. 1, along with other writ petitioners in WP(C) No. 496 of 2021, have filed the instant writ petition on the ground that the notified land under the impugned Section 11 Notification dated 13.03.2023 as well as Section 19 Declaration dated 25.09.2023 belongs to the writ petitioner and others and that the Doloi of Satpator (petitioner in WP(C) No. 416 of 2023) is only the customary head for administration, and that the ownership title and possession, vest either with the individual or with the clans. They pray therefore, that the impugned Section 11 and Section 19 Declaration, wherein the name of the Doloi Satpator is shown as land owner, be set aside and quashed.

5. Mr. H.L. Shangreiso, learned Senior counsel assisted by Mr. T. Dkhar, learned counsel for the petitioners in WP(C) No. 496 of 2021 and WP(C) No. 150 of 2024 submits that what is questioned, is the impugned Section 11 Notification dated 14.12.2016, on the ground that no survey or measurement, for the purpose of demarcation of the boundaries has ever been conducted, and as to how the Collector could ascertain and measure the location of the fencing, without ascertaining the permanent pillars settled by the respondent State and Union of India with the affected land owners. The acquisition procedure he submits, is



bad in law also in view of the fact that the 2015 land boundary agreement arrived at between the Union of India and the Government of Bangladesh, which should have settled the boundaries as per the land boundary agreement dated 16.05.1974, never finalized the boundaries, when in fact the authorities were required to conduct proper survey, which would have resulted in the correct measurement and demarcation of boundaries. Moreover, he submits there was no public consultation for demarcation and that the setting apart of 150 yards from the Zero line for erection of the fencing is unsustainable, inasmuch as, the said arrangement which was arrived at as window for negotiation between the two countries in 1975, does not exist anymore in view of the new land boundary agreement of 2015. The learned Senior counsel contends that the continuance of this practice of 150 yards, in spite of the assurance of the Border Security Force that appropriate gates will be installed every 500 meters, to enable the villagers to cultivate in their lands falling outside the fencing but within the Zero line is absolutely unsustainable, due to the fact that there is a record of villagers being harassed and subjected to hardship once the gate is closed. He therefore submits that the impugned Section 11 Notifications dated 14.12.2016 and 11.06.2021, Public Notice dated 02.01.2017 and Declaration under Section 21 read



with Section 14 dated 04.10.2021, therefore being bad in law are liable to be set aside and quashed.

6. The learned Senior counsel has also raised an issue with regard to the issuance of the NOC for land acquisition by the Jaintia Hills Autonomous District Council and submits that in spite of the withdrawal and cancellation of the earlier NOC, on the compliant of the land owners vide letter dated 14.05.2018, the subsequent review of the decision and the grant of NOC vide letter dated 01.07.2021 by the JHADC, has been without addressing the grievances of the writ petitioners.

7. In conclusion, the learned Senior counsel has submitted that alternatively, directions can be issued to the Union and State respondents to construct the fencing the fencing within 11 meters from the existing boundary pillars, if the pillars have not yet been made permanent, and not from 150 yards from the Zero line, and further to direct the respondents to acquire the remaining 150 yards from the existing boundary pillars, by paying adequate compensation to the writ petitioners in accordance with law.

8. In WP(C) No. 150 2024, the learned Senior counsel has submitted that notwithstanding the dispute whether the writ petitioners or the private respondent No. 6, (Dorbar Elaka Satpator) is entitled to the



compensation, the main issue in this writ petition is the action of issuing fresh Notifications under Section 11 and 19 of the Act during the subsistence of the earlier Section 11 and Section 19 Notifications. The learned Senior counsel has submitted that during the pendency of WP(C) No. 496 of 2021, it came to the notice of the writ petitioner No. 1, that the private respondent No. 6, had filed a writ petition being WP(C) No. 416 of 2023, claiming compensation by relying on a new Section 11 Notification dated 13.03.2023, as well as a Section 19 Declaration dated 25.09.2023, wherein it is shown as the owner of the notified land measuring about 360845 Square meters situated at Muktapur, Lakroh and other adjoining areas. These areas he submits, mentioned in the said fresh notifications were already notified in the earlier Section 11 Notification dated 07.06.2021, and as such the same were untenable without the earlier notifications under Section 11 and Section 19 being cancelled. This action of the respondents he submits, have been made with a view to frustrate and circumvent the pending WP(C) No. 496 of 2021, wherein the present writ petitioners had raised issues of great public importance with regard to the boundary settlement, apart from assailing the process of land acquisition. He therefore prays that the impugned preliminary notification under Section 11 dated 13.03.2023



and the Section 19 Declaration dated 25.09.2023, be set aside and quashed. He lastly submits that there is adequate remedy contained in the Act itself, that allows any interested person to take recourse to Section 64 for reference or Section 76 of the Act of 2013, in the event of disputed claim of ownership, and such the issuance of fresh Section 11 and Section 19 Notifications showing the Dolloi of Dorbar Elaka Satpator as the land owners is required to be set aside and quashed, as this action is a clear attempt on the part of the respondents, to disable the writ petitioners from asserting their rights in accordance with law.

9. The learned AG on behalf of the State respondents, has submitted that the very basis on which the writ petition rests, is on the mistaken notion that the boundary demarcation between India and Bangladesh is yet to be concluded finally and that the acquisition proceedings will adversely affect their rights. It is submitted by the learned AG, that the Nehru-Noon Agreement of 1958, was executed to establish the temporary borders but however, the Land Boundary Agreement signed on 07.05.2015 and ratified by the Parliament on 06.06.2015, has conclusively demarcated the International Boundary and the boundary pillars as they exist today, are the result of the Agreement of 2015. With regard to the convention of constructing the border fencing



at 150 yards from the Zero line, the same he submits emanates from the joint India-Bangladesh guidelines for Border authorities of the two countries in 1975, that no permanent structures will be raised within 150 yards of the International Boundary. The petitioners therefore, he submits, cannot maintain their grievance without actually challenging the Land Boundary Agreement of 2015, even though there might be some lands belonging to the residents of the State in the past, are situated today within the territorial jurisdiction of Bangladesh.

10. The learned AG submits that for the purpose of land acquisition, the provisions of Act of 2013, have been diligently followed in detail and the spot survey was conducted by the District Administration, Border Security Force and the National Building Construction Corporation Limited in the presence of land owners to ascertain the extent of land, of each land owner. As the matter is of great importance to ensure security of the borders, the District Administration has proceeded with great caution by taken all steps in accordance with law. The learned AG has taken this Court through the various steps which have been detailed in the affidavit to show that due process has been followed. In this context, the attention of the Court has been drawn to a Table showing the status of land acquisition for Indo-Bangladesh Border



Fencing (IBBF) from Hatimara (BP. No. 1251/MP) to Pyrduwah (BP. No. 1272/8-S) in East Khasi Hills District, Meghalaya and also the List of name of land owners in these areas some of whom have already received compensation and some who are still to receive the same due to claims and counter-claims of ownership over the lands. In East Khasi Hills therefore, he submits it is only in respect of BP No. 1271/6S to 1272/MP measuring about .060 Km that compensation could not be paid as the land owners insisted that the construction of the Border Fencing must be from the Zero line.

11. With regard to West Jaintia Hills, the learned AG submits that the District Administration had proceeded with the great caution and that the first meeting with Headmen to explain the components relating to the construction of Border Fencing was initiated as far back as on 16.08.2005. The learned AG has also referred to the list of dates which is contained in the affidavit filed by the Collector/Deputy Commissioner, West Jaintia Hills, which reflects that public hearings had been held as also grievances which were raised attended to and that notice for Joint Inspection or fresh survey had been intimated to the Coordination Committee on International Boundary (CCIB), an organization claiming to represent land owners as also to the Headmen and Dollois, as far back



as on 09.04.2015. The same could not fructify into any conclusion, he submits, inasmuch as, the CCIB had instigated the land owners to object to the inspection and this situation continued till September, 2021. The writ petitioner No. 1, (Shri K. Myrchiang), it is submitted is the Secretary of the said CCIB and during a survey at Amdoh Village on 22.09.2021, instigated the land owners to oppose the survey and to prevent the survey party from conducting the survey, so much so, that the matter was reported to the Superintendent of Police for necessary action. Thereafter, he submits notices were given for re-measurement and demarcation and all land owners cooperated readily. The learned AG has raised a serious concern, that self-styled Committees such as the CCIB of which the petitioner No. 1, is the Secretary have actively been trying to ensure that the Border Fencing does not come up, by instigating people to oppose the same. The action of such private persons, he submits is solely responsible in the delay of construction leaving the general population in border villages at risk from miscreants, smugglers and other elements from within and across the border.

12. The total length of land acquisition for the Border Fencing, he submits from Dawki BP No. 1273/M to Jaliakhola BP No. 1301/4S, in West Jaintia Hills District is 37.25 Km. In this regard, the learned AG



has referred to Para-14 & 15 of the affidavit, which shows the status of land acquisition from Dawki BP No. 1273/M to Jaliakhola BP No. 1301/4S. Further, a list of names of land owners in the said Sector, which have been enumerated in a Table has also been referred to. In conclusion, it is submitted, that there is no question of any boundary dispute between India and Bangladesh as the Land Boundary Agreement of 2015, has demarcated the boundary permanently and that Boundary Pillars as they exist today are the result of the said Land Boundary Agreement. He also submits that the grievance of the petitioners pertaining to the present boundary arrangement is not open for challenge without the Land Boundary Agreement of 2015 being assailed. The only important issue that remains which is hindering the construction of the Boundary Fencing which is essential for the security and safety the borders is with the claims and counter-claims of the land owners, for which the same can be addressed at a different alternate forum.

13. On the contention raised in WP(C) No. 150 of 2024 by the writ petitioner, the learned AG submits that the fresh notification dated 13.03.2023, over the land from Muktapur to Pasadwar, was issued in view of the fact that the respondent No. 6 (Dolloi Satpator) had claimed the said lands by submitting agreements pertaining to cultivation rights,



whereas the petitioners had merely made bald averments without enclosing any land documents. He further submits that only 5(five) of the 66(Sixty-six) petitioners' names also find mention in the preliminary notification dated 11.06.2021. The learned AG submits that in these matters, disputed facts have been raised by the writ petitioners which cannot be addressed in a writ proceeding, and as such he prays that notwithstanding the pendency of resolution of other disputes, for the sake of national security the fencing works be allowed to be completed expeditiously.

14. On behalf of the other respondents, Mr. R. Debnath, learned CGC for the respondents Nos. 1 & 2 has supported the submissions made by the learned AG and further submitted that at present there is no boundary dispute between India and Bangladesh in the State of Meghalaya and that the International Border is well demarcated. He further submits that all the Border Pillars have been erected and that the total area required for construction of the Indo-Bangladesh Border Fence (IBBF) is 70250 Sq. meters. He also submitted that no loss of land has occurred beyond the Boundary Pillars, as the boundary is well demarcated and that the land upto 150 yards beyond the fencing can be utilized without any hindrance.



15. On behalf of the respondent No. 10, Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel has submitted that the decision to withdraw the earlier order for cancellation of the NOC was made pursuant to a letter dated 24.06.2021 from the Deputy Commissioner, West Jaintia Hills for the consideration of the matter, keeping in view the fact that the fencing is for safety and security of the citizens and to prevent infiltration. As such, he submits on receipt of such request and considering the importance of the matter, after several meetings, discussions and deliberations of the issue, it was decided to withdraw the cancellation of the NOC.

16. On behalf of the respondent No. 12 (NBCC), Mr. P.R. Paske, learned counsel has submitted that the NBCC is only the executing agency entrusted with the job of construction of the fencing and has no role to play in the process of acquiring land under the Act, 2013. He further submits that the NBCC has acted as per instructions and that as there were issues as to payment of land compensation, on the directive of the State Government the NBCC has not commenced with the construction works of the IBBF in the Khasi and Jaintia Hills sector.

17. On behalf of the respondent No. 11, it is only given in the affidavit that Section 41 of the Right to Fair Compensation and



Transparent in Land Acquisition, Rehabilitation and Resettlement Act, mandates that prior consent should be taken for acquisition.

18. Mr. M.L. Nongpiur, learned counsel for the petitioner in WP(C) No. 416 of 2024 and respondent No. 6, in WP(C) No. 150 of 2024, i.e. the Dolloi of Satpator, has submitted that the land proposed to be acquired is Raid land, which exclusively belongs to the Dorbar Elaka of Satpator, who is the sole custodian of the said land, and being Raid land, the Dorbar Elaka had permitted persons to use and occupy a portion of the acquired land for the sole purpose of cultivation. In this context, he submits that it is to be noted that the petitioners in WP(C) No. 496 of 2021 and WP(C) No. 150 of 2024, have not enclosed any Land Holding certificate, nor any recommendation issued the Dorbar Elaka Satpator certifying the said petitioners as land owners. The Dorbor Elaka Satpator he submits, vide Agreements allots and leases land to inhabitants of the Elaka for the purpose of cultivation, and that one of the terms and conditions of an Agreement, is that a Lessee shall not claim ownership of the lease land except for the plantations. The learned counsel has referred to the copies of Agreements, which are annexed to the affidavit to substantiate his submissions. It is further submitted that the Dolloi of Satpator, is not claiming any land compensation on the basis of being an



owner, but however being the custodian of the Raid land, the office of the Dolloi and his Dorbar are entitled to land compensation, as the same will be utilized for running the affairs and administration of the entire Elaka. The learned counsel reiterates his submissions that the petitioners are not land owners of the acquired land, but are mere cultivators and their participation in the survey conducted, cannot be construed as to make them land owners, inasmuch as, the survey had been done only to assess the acquired land and the damage caused to the plantations. The Notification he submits, which has been assailed by the petitioners has been issued as per law after due verification, as the Dorbar of Elaka Satpator, has always been recognized by the competent authority as the custodian of all lands falling under the administrative control of Muktapur, Lakroh, Hawaitilla, S.P. Tilla, Sankhat, Jaliakhola and Pasadwar Villages.

With regard to the issue in WP(C) 416 of 2023, specifically on the claim of the Respondent No.3, it has been submitted that the same has been lodged without any basis or documentary evidence vide an objection dated 27.09.2022, for the first time after the lapse of 20 years. The Respondent No.2 (Deputy Commissioner) it has been contended, has placed heavy reliance on the said objection dated 27.09.2022, while



issuing the impugned letter dated 22.11.2023, despite the fact the Preliminary notification had already been issued on 11.03.2023 and Declaration issued on 25.09.2023, and the acquisition proceedings being at the final stage. In considering this objection, it is submitted, that the Respondent No. 2, neither prepared any report as mandated by Section 15 of the RFCTLAR Act, 2013, but arbitrarily issued the impugned letter dated 22.11.2023. in violation of the Act and as such, the same is liable to be set aside and quashed.

19. On hearing the learned counsel for the parties in this batch of writ petitions, the fundamental issue or question it is seen, is over the manner, extent and method of acquisition of the lands required for the IBBF (Fencing) and the claims and counter-claims over ownership that have emerged therefrom, interspersed with grievances as to the proposed location of the said fencing from the International Border.

20. The IBBF as can be seen from the records and notifications, covers areas in West Jaintia Hills and East Khasi Hills and as per the first preliminary notification dated 11.06.2021, was to run from Boundary Pillar No. 1293 to Boundary Pillar No. 1297 in Sankhat Village covering an area of 70250 Sq. meters and as per the second preliminary notification dated 13.03.2023 to run from Boundary Pillar No. 1273 to



1302 covering an area of 360845 Sq. meters. The total length in West Jaintia Hills from BP No. 1273 to 1301 is 37.25 Km. (37250 meters) and the total length land acquisition in the East Khasi Hills is from BP No. 1251 to BP No. 1272 is 33.30 Km (33300 meters). The status report as given in the affidavit for the West Jaintia Hills section shows that in some parts i.e. BP1273 to BP1275, the award has been approved by the Government and notice under Section 37(2) for the Fair Compensation and Transparent in Land Acquisition, Rehabilitation and Resettlement Act, 2013, issued with 3 land owners accepting land compensation while 2 have refused. For other sectors namely between BP No. 1281 to BP No. 1282, land has been handed over to BSF and NBCC, for BP. No. 1293 to BP No. 1297, the draft award is being prepared and for 2 stages from BP. No. 1275/9s to BP No. 1277/12s, the land owners are yet to collect the land compensation. For the substantial length of 15.124 Km in Muktapur, Lakroh, Hawaitilla, S.P. Tila, Jaliakhola, Pasadwar and Naljuri, encompassing BP No. 1283 to BP No. 1285, BP No. 1287 to BP No. 1293, BP. No. 1297 to BP No. 1301, BP No. 1286 to BP No. 1287, BP No. 1285 to BP No. 1286, BP No. 1301 MP to BP No. 1301/45, the said lands have been notified under Section 11 (1) read with Section 40 of the Act of 2013, by the subsequent notification dated 13.03.2023. In



this sector, the Dolloi of Satpator who has been shown as the land owner, has emerged as a bone of contention with the claimants who are petitioners in WP(C) No. 150 of 2024 and the Dolloi of Satpator, the petitioner in WP(C) No. 416 of 2023.

21. In the East Khasi Hills sector, however advance handing over taking over position of land had been effected, and it is noted that the names of the land owners have also been indicated in the affidavit of the State respondents. As such, it appears that the acquisition proceedings is pending in various stages and has not been concluded, due to the persistent claims and counter-claims, coupled with other grievances such as, the extent of land to be acquired as demanded by the petitioners in WP(C) No. 496 of 2021, and also the proposed location of the fencing, which is opposed by some petitioners, who are insistent that the same be erected at a closer distance from the International Border or Zero Line, and not 150 yards as is the practice and convention. However, it is also noted that some petitioners have accepted the awarded compensation and have removed themselves from these cases.

22. Due to this imbroglio, the urgent requirement of fencing the International Border, has suffered considerable delay and the same being a matter of National security to check influx, smuggling and other illegal



cross border activities, should necessarily be prioritized over the disputes that are present. From the discussion made hereinabove, there is no room for doubt that the issues involved, require a thorough and balanced examination, as most of the questions are based on disputed facts, which can only be resolved on the ground. In this context, to resolve these kinds of issues, Section 64 of The Act of 2013, has provided as follows:

***“64. Reference to Authority. – (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:***

***Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:***

***Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.***

***(2) The application shall state the grounds on which objection to the award is taken:***

***Provided that every such application shall be made***

***(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector’s award;***



***(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:***

***Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."***

23. The Act therefore, under Section 64, with regard to claims and counter-claims, objections as to the measurement of the land, the amount of compensation, the persons to whom it is payable, right of rehabilitation, or the apportionment of compensation, has provided a dispute resolution mechanism which can be resorted to . For this reason, this Court though objections have been raised in WP(C) No. 496 of 2021 and WP(C) No. 150 of 2024, as to the locus of the petitioners and claims of ownership being made without supporting material being filed, will not venture to render any finding, leaving it to be decided as per the provisions of the Act of 2013.

24. However, in WP(C) No. 416 of 2023, the respondent No. 3 therein, it appears had on 27.09.2022, made an objection before the respondent Collector, West Jaintia Hills claiming himself to be the landlord of 8(eight) Villages and forest land in an area known as Khloothangrangaw, when the matter had been fixed 30.09.2022, for



finalization of the land acquisition. The Collector it appears by an order dated 22.11.2023, which has been impugned in this writ petition, however, directed the parties to reach an agreement which the petitioner has contended is against the scheme of the Act of 2013 and in violation of Section 15 thereof. Section 15, it is noted, prescribes the procedure with regard to the ‘Hearing of Objections’ and it reads as follows:-

***“15. Hearing of objections. – (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—***

***(a) the area and suitability of land proposed to be acquired;***

***(b) justification offered for public purpose;***

***(c) the findings of the Social Impact Assessment report.***

***(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected***



*families likely to be resettled, for the decision of that Government.*

*(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.”*

The objection of the respondent No. 3 dated 27.09.2022 it is seen, was filed before the Section 11 notification was issued, but the same was entertained and instead of adopting the procedure as laid down by law, the Collector had instead recorded that both parties requested a period of one month to reach an agreement. This to the mind of the Court is unsustainable and accordingly, the impugned proceeding, as far as it relates to the direction for an agreement to be arrived at, appearing at paragraph 5 thereof, is set aside and quashed. The Collector is therefore required to examine the maintainability of the objection and locus of the objector as made, and pass necessary orders thereon in terms and as per Section 15 of the Act of 2013.

25. On the question that has been raised i.e. the issuance of the second notification under Section 11 dated 13.03.2023, as has been illustrated in the foregoing paragraphs, the first preliminary notification dated 11.06.2021, is for an area measuring 70250 Sq. meters whereas in the second notification the same is for an area of 360845 Sq. meters. Though, there might be an overlap with respect to BP No. 1293 to BP



No. 1297/6s given in the first notification with BP No. 1273 to BP No. 1302, of the second notification, the section where there might be a dispute is not extensive when compared to the total length of the land which is sought to be acquired for the purposes of the fencing. The second notification therefore, cannot be held to be illegal or unsustainable in law, as it encompasses the areas which were not notified in the first notification dated 11.06.2021, and the dispute at the most is confined to areas around Sankhat Village.

25. In view of the circumstances of the case, in public interest and in the interest of national security, it is deemed necessary that directions and orders be issued that notwithstanding any disputes on the other issues that are involved, the construction of the International Border Fencing is required to be re-started in the locations and areas which have been identified, through survey or otherwise. It is ordered accordingly.

26. On the other aspect, the respondents Nos. 8 & 9 are also directed to proceed in accordance with law and as per the Act of 2013, to release compensation to persons named in the notification, over whom there is no dispute or counter-claim, if the awarded amount has been



already determined, and for other issues to take necessary action for reference of the dispute under the Act, or otherwise as per law.

27. With the above discussions and directions, these writ petitions are accordingly closed and disposed of.

**JUDGE**

Meghalaya  
04.08.2025  
"V. Lyndem PS"