



Serial Nos. 01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 11 of 2024 with
MC(PIL) No. 5 of 2024

Date of order: 19.03.2025

Shri Raphael Warji,
S/o (L) B. Nishan Wahlang,
R/o Mawpun, Golflinks, Shillong,
East Khasi Hills District, Meghalaya.

...Petitioner

- Versus -

1. State of Meghalaya represented by its Chief Secretary,
Government of Meghalaya, Shillong.
2. The Department of Arts & Culture represented by its Secretary,
Government of Meghalaya, Shillong.
3. The Meghalaya Heritage Authority represented by its secretary,
Shillong.
4. St. Anthony's Lower Primary School represented by its Principal,
Don Bosco, Shillong.
5. The Director, Don Bosco Technical School, Shillong, Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner : Mr. R. Pahsyntiew, Adv.
Mr. W.G.R. Mihsill, Adv.

For the Respondents : Mr. A. Kumar, AG with
Mr. K. Khan, AAG
Mrs. I. Lyngwa, GA
Mr. S. Chakrawarty, Sr. Adv. with
Mr. P.A. Dohkrut, Adv. [For R4&5]



i) Whether approved for reporting in Law journals etc.: Yes

ii) Whether approved for publication in press: Yes

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.

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

This public interest litigation and the criminal contempt proceedings concerns the demolition of St. Anthony’s Lower Primary School in Don Bosco Square, Shillong.

We have carefully gone through the affidavits filed by the alleged contemnors, being members of the Board of management of the school.

By our order dated 24th February, 2025, we had directed these affidavits to be filed to answer the following queries of this Court:

“Now, the question which seeks an answer is this: the order passed by us was made on 9th December, 2024. The school management had full knowledge of it. The Court despite being closed for the Christmas vacation, had a vacation bench sitting periodically. Why this allegedly imminent danger to the building and the need to demolish it was not brought to the notice of the vacation bench and appropriate leave obtained to demolish the building? When the matter was made returnable on the very next day of reopening of the Court on 28th January, 2025, why during the vacation of the Court, the building had to be demolished, when it was allowed to stand for all this while?”



The affidavits state that the alleged contemnors have the greatest respect for this Court. They had and have no intention of disobeying the orders passed by it and every intention of obeying them. They tendered an unqualified apology and prayed for forgiveness.

Further, the affidavits state that on 4th January, 2025, the building was found to be tilting. The alleged contemnors sought advice from a contractor who opined that it should be demolished to prevent danger to life and property. Acting on that advice, the building was demolished. As the danger according to the opinion of the contractor was imminent, the Court could not be approached and demolition accomplished.

We do not find this explanation wholly convincing.

The alleged contemnors are respectable Christian priests belonging to the Salesians of Don Bosco Order and running this heritage institution.

Jesus Christ taught us to forgive a wrongdoer. He preached that the satisfaction one gets out of forgiveness is much more than what is reached by inflicting the pain of punishment. To our knowledge, Hinduism, Buddhism and Jainism also have similar precepts. It becomes more relevant when the wrongdoer is genuinely remorseful and pleads for forgiveness. We also appreciate the pleasing and submissive manner



in which Mr. Chakrawarty presented the part of the affidavits of the alleged contemnors, praying for forgiveness. In the exercise of contempt jurisdiction, we have the option of punishing the alleged contemnors or forgiving them. The prerogative of forgiving even an unacceptable act is with the Court.

Therefore, considering the status of the institution and of its management in society, the genuineness with which regret was expressed for the demolition and forgiveness prayed for, we dispose of this criminal contempt application without proceeding any further with it. However, it is with the rider that the management of the school shall strictly comply with our order dated 24th February, 2025, the material part of which is extracted below:

“The building has already been demolished. The students have been relocated to another place. It is a premier school in Shillong. The building restructuring plan has been approved by the Meghalaya Urban Development Authority. According to the respondent authorities, on a combined view of the square, the statue of the Don Bosco and the façade of the school facing it, the building should be declared as heritage. Considering all the above facts, we permit the school management to rebuild but the plan and architecture of the building should be more or similar to the demolished one. If the approved plan has to be revised, it may be so done and duly approved by the Meghalaya Urban Development Authority. The management may proceed with the reconstruction work but shall not create any third party rights by transfer, creating encumbrance or parting with possession of the property without the leave of the Court.”



In view of the above, this Public Interest Litigation and the connected application [MC(PIL) No. 5 of 2024] are accordingly, disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

