



**Serial No. 01**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 455 of 2024

Date of Decision: 16.05.2025

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| <ol style="list-style-type: none"> <li>1. Shri Dondor Jana</li> <li>2. Smti Hita Kurbah</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>.... Petitioner(s)</b></p> |
| <p><b>Versus</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |
| <ol style="list-style-type: none"> <li>1. Khasi Hills Autonomous District Council (KHADC)<br/>Represented by its Secretary, Shillong, Meghalaya</li> <li>2. Executive Committee,<br/>Khasi Hills Autonomous District Council (KHADC)<br/>Shillong, Meghalaya</li> <li>3. Syiem of Hima Myllem,<br/>Mawkhair Main Road, Shillong-793001,<br/>East Khasi Hills District, Meghalaya</li> <li>4. Shri Starwell Mawlong,<br/>Headman, Mawthlong Mynsain Village,<br/>Myllem Syiemship, B.P.O. Mawpun,<br/>East Khasi Hills District-793115, Meghalaya</li> </ol> | <p><b>... Respondent(s)</b></p>  |
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**Coram:**

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

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**Appearance:**

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| For the Petitioner(s) | : | Mr. P.A. Dohkrut, Adv.                                                                                                                                                          |
| For the Respondent(s) | : | Mr. T.T. Diengdoh, Sr. Adv. with<br>Mr. R. Kharsyad, Adv. (For R 1&2)<br>Mr. W. Jyrwa, Adv. (For R 3)<br>Mr. Philemon Nongbri, Adv. with<br>Mr. E. Lalsangluaia, Adv. (For R 4) |
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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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**(ORAL)**

1. The grievance of the writ petitioners as projected in the instant writ petition is with the alleged forceful construction of a public footpath on the land of the petitioners, which they claim is without their consent. The further grievance of the writ petitioners is that due to their objections, they have been subjected to social boycott and further the District Council vide an order dated 25.01.2024, has decided to allow further expansion of the said Village footpath to a regular motorable road.

2. As the matter concerns public interest, peace and harmony in the Village, this Court had called for appearance of the parties to try to resolve the matter, but the same was not successful and the matter was then posted for admission hearing.

3. Mr. T.T. Diengdoh, learned Senior counsel assisted by Mr. R. Kharsyad, learned counsel for the respondents Nos. 1 & 2, when the matter has taken up today has fairly submitted that on thorough examination of the materials especially the impugned order, the same seems to be without any authority and without any jurisdiction, inasmuch



as, the same has not been passed in accordance with Rule-31 of *The Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951*, which mandates that an order passed by an individual member of the Executive Committee on a matter pertaining to his subject, the same should be in furtherance to a discussion or authorization, which appears to be absent in the instant case.

4. Mr. P.A. Dohkrut, learned counsel for the petitioners at this juncture has drawn the attention of this Court to the various complaints which started initially with a complaint before the respondent No. 3, on 01.03.2022 and in the proceedings thereof, had resulted in an order dated 22.09.2022, whereby the parties were directed to reach an understanding and not to cause further disturbances. Thereafter, he submits that various complaints were filed before the Executive Member i/c Elaka Administration, the first being on 05.12.2023 and the second on 18.01.2024, complaining about the actions of the respondent No. 4, in constructing the road. Thereafter, the impugned order was then passed by the Executive Member i/c Elaka Administration dated 25.01.2025. It is also submitted that the respondent No. 3 by a Notice dated 22.02.2024, had also instructed the Village Headman to look into the matter so that there would be no violation of the order given by the Executive Committee.



5. Mr. W. Jyrwa, learned counsel for the respondent No. 3, submits that he has no submission to make, inasmuch as, the matter has already been concluded before the said respondent No. 3 and was seized by the District Council, thereafter.

6. Mr. Philemon Nongbri, learned counsel for the respondent No. 4, has submitted that the construction of the road would be for public interest and there is no intention or any action on the part of the said respondent to deprive the writ petitioners of any Schemes or ostracization, as alleged.

7. I have heard the learned counsel for the parties and examined the entire materials on record.

8. It appears that the dispute that has arisen is with regard to the proposed expansion of the Village footpath used by the villagers through the petitioners' land, which is sought to be expanded to a regular motorable road. As observed above, though attempts have been made to try to resolve the matter, inasmuch as, the same is of vital public interest and wellbeing of the villagers, the same having borne no fruit, the matter has then proceeded before this Court. Today, however on the submissions of the parties especially the submissions of the learned Senior counsel for the respondents Nos. 1 & 2, with regard to the validity of the impugned order, this matter therefore will necessarily have to be



remanded to the Executive Committee, as it is patent on the face of the order itself that the same has been authored by a single member without any reference to a discussion or authority vested on him as per Rule-31 of *The Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951*.

9. In this view of the matter, the parties are put to notice to appear before the learned Member i/c Elaka Administration on 02.06.2025, so that the matter can proceed.

10. It is expected that the respondent No. 2, shall deal with the matter expeditiously in the interest of all the parties concerned, and after affording them adequate opportunities, pass orders thereon.

11. It is understood that in public interest and for the maintenance of peace and harmony in the Village, both the parties shall not disturb each other, till such orders are passed by the respondent No. 2.

12. With the above noted directions, this matter stands closed and is accordingly disposed of.

**JUDGE**

Meghalaya  
16.05.2025  
"V. Lyndem-PS"