



Serial No. 13
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C)] No. 218 of 2024 with
MC[WP(C)] No. 222 of 2024
In WP(C) No. 452 of 2024

Date of Decision: 16.04.2025

The Executive Committee of the
Khasi Hills Autonomous District
Council, Shillong represented by its
Secretary Mr. D. Genesis Syiemiong,
Son of (L) Shri. Z. Iawphniaw, resident
of Nongrim Hills, Shillong, East Khasi
Hills District, Meghalaya

:::Petitioner

-Vs-

Shri. Wanphrang Syiem Nongshai
Son of Kliderwell Syiem Nongshai
Resident of Mawdiangum, Ri Bhoi
District, Meghalaya

:::Opposite Party

1. Lyngdoh Raid Nongkhrah
Shri. La Lyngdoh
Ri-Bhoi District, Meghalaya

2. Lyngdoh Raid Nongkharai
Shri. Moses Syngkli
Ri-Bhoi District, Meghalaya

3. Lyngdoh Raid Sohkhwai
Shri. Speshon Sylliang
Ri-Bhoi District, Meghalaya



4. Lyngdoh Raid Nongkyria
Shri. Phrangsngi Syngkli
Ri-Bhoi District, Meghalaya

5. Lyngdoh Raid Nongpoh
Shri. Linus Lyngdoh
Ri-Bhoi District, Meghalaya

:::Applicants

-Vs-

1.Shri. Wanphrang Syiem Nongshai
Son of Kliderwell Syiem Nongshai
Resident of Mawdiangum, Ri Bhoi
District, Meghalaya

2.Khasi Hills Autonomous District Council
Shillong through its Secretary to the Executive
Committee, Khasi Hills Autonomous District
Council, Shillong

3.The Under Secretary to the Executive Committee,
Khasi Hills Autonomous District Council, Shillong

4.Shri. A. Basaiawmoit, Administrative Officer cum
Deputy Secretary to the Executive Committee, Khasi
Hills Autonomous District Council, Shillong

5.The Executive Member i/c Elaka Administration,
Khasi Hills Autonomous District Council, Shillong

6.Synjuk ki Nongsynshar Raid Nongpoh Sirdarship,
Ri Bhoi District represented by its Secretary,
Shri. S. Maring

7.Shri. S. Lyngdoh, Lyngdoh Raid Nonglyngdoh,
Nongpoh Sirdarship, Ri Bhoi District

:::Respondents



Coram:

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

Appearance:
In MC(WPC) No. 218 of 2024

For the Petitioner/Applicant(s) : Mr. S. Marpan, Adv.

For the Respondent/Opp. Party(s): Mr. M.L. Nongpiur, Adv.
Ms. T. Sutnga, Adv.

In MC(WPC) No. 222 of 2024

For the Petitioner/Applicant(s) : Mr. S. Sen, Adv.

For the Respondent/Opp. Party(s): Mr. M.L. Nongpiur, Adv.
Ms. T. Sutnga, Adv. (For R 1)
Mr. S. Marpan, Adv.(For R 2&3)

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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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Oral:

1. These 2 Misc. Applications both praying for vacation of order dated 06.12.2024, passed in WP(C) No. 452 of 2024, with regard to the functioning of the writ petitioner as a Sordar of Nongpoh, being similar are taken up together for consideration.

2. The applicant in MC(WPC) No. 218 of 2024, is the respondent No. 1 in the writ petition namely the Executive Committee, KHADC, represented by its Secretary and the applicants in MC(WPC) No. 222 of 2024, are stated



to be 5(five) Lyngdoh of different Raids in Nongpoh Sirdarship, who claim to be electors of the Sordar of Nongpoh.

3. In brief, the writ petitioner had approached this Court by way of WP(C) No. 452 of 2024, assailing the impugned notification dated 03.12.2024, which had placed the writ petitioner under a second suspension. The main ground of challenge was that the second suspension was illegal, inasmuch as, on the same ground and complaint for which the writ petitioner had also faced an inquiry, the respondents District Council based on the findings of the inquiry had been pleased to re-instate him to the post of Sordar of Nongpoh, vide order dated 04.03.2024. This Court, then by order dated 06.12.2024, while granting an interim stay had recorded as follows:

06.12.2024

“Heard Mr. M.L. Nongpiur, learned counsel for the petitioner.

It is noted that notice of the petition has been served on the official respondent No. 1, on 05.12.2024, but there is no representation on behalf of the official respondents Nos. 1 to 4.

The grievance of the writ petitioner who is stated to be the Sirdar of Nongpoh Sirdarship is with the impugned order dated 03.12.2024, whereby he has been placed under suspension, by the respondents Nos. 1 to 4.

It is submitted by Mr. M.L. Nongpiur, learned counsel for the petitioner that the suspension of the writ petitioner is consequent



upon the complaint that had been made by the respondent No. 5, before the respondent No. 1, with regard to certain allegations and charges. The learned counsel further submits that on the same charges that the present complaint is based, in the year 2023 the matter had been gone into by the official respondents and the petitioner at that point of time was placed under suspension, and after an enquiry had been reinstated on 04.03.2024. He therefore submits that on the same charges, it is impermissible that the petitioner be put under suspension again, and prays that in the interim, some protection be given to allow the petitioner to continue to function as the Sirdar of Elaka Nongpoh.

Though the official respondents are not present in Court today, a perusal of the materials as presented, substantiate the submissions made by the learned counsel for the petitioner that on the basis of the earlier proceedings that had been instituted, the petitioner had been put under suspension. Thereafter, on conclusion of enquiry proceedings thereof, he was reinstated vide order dated 04.03.2024, by the Executive Committee.

A perusal of the petition dated 13.03.2024 by the respondent No. 5, shows that the demand made therein for re-initiation of inquiry against the writ petitioner was on the ground that there were procedural irregularities in the concluded enquiry. Further, another letter dated 22.05.2024, it appears has also been filed before the official respondents against the re-appointment of the writ petitioner, as Sirdar of Nongpoh Sirdarship.

In the considered view of this Court at this stage itself, what is reflected is that the complaint of the respondent No. 5, was against



the irregularities committed in the earlier proceedings, and it is not based on any fresh charges, for which the petitioner has to answer. As such, a prima facie case has been made out, for interim orders at this stage.

Accordingly, the impugned order dated 03.12.2024 shall not be given effect to, and the petitioner be allowed to function as Sirdar of Nongpoh Sirdarship, presently.

As this order has been passed in the absence of the official respondents, they are at liberty to file appropriate applications for vacation, alteration, if deemed necessary.

List this matter on 07.02.2025.”

4. The applicants in these Misc. Applications have based their prayers for vacating the interim order, which allowed the writ petitioner to continue in office, on the plea that the writ petitioner though re-instated has since lost the confidence of the Lyngdoh Raid(s), Electors and also the Longsan and Mansan of the Nongpoh Sirdarship, which has created a deadlock in the administration of the said Sirdarship. It has also been stated in the applications that the suspension was on the basis of fresh complaints and that due process had been followed, apart from the exercise of statutory authority of the District Council under the Act, which empowered it to suspend or remove a Chief and to take necessary measures for the purposes of administrative exigency.



5. Mr. S. Marpan, learned counsel for the applicant in MC(WPC) No. 218 of 2024, has submitted that based on the subsequent complaints, notice had been issued to the writ petitioner providing him an opportunity to respond, and it was only after hearing the submissions of the parties on 24.09.2024, and consequent upon the submissions and written arguments, that the impugned order dated 02.12.2024, was passed placing the writ petitioner under suspension pending inquiry. The interim order he submits, by allowing the writ petitioner to continue in office has resulted in an administrative deadlock in the Sirdarship.

6. Mr. S. Sen, learned counsel for the applicant in MC(WPC) No. 222 of 2024, submits that the applicants are aggrieved with the manner and style of functioning of the writ petitioner in administering the Sirdarship, and has referred to Para – 3 of the application, wherein the grievances are contained. Learned counsel has further submitted that the contention of the writ petitioner that he has been placed under suspension on the same charges for which an inquiry had already been gone into is totally false and misleading. Reference is then made to a copy of a letter dated 27.09.2024, wherein he submits, objections have been raised against the writ petitioner before the official respondents, which has been annexed to the application at Annexure – B, as also other complaints dated 30.09.2024, protesting against the writ petitioner's re-instatement. He therefore submits that with the loss of



confidence and the deadlock in the administration that has occurred, the vacation of the interim order is necessary to allow a duly appointed Administrator, to look after the administration pending the inquiry.

7. I have heard the learned counsel for the parties. Looking into the surrounding facts and circumstances of the case, it is seen that the writ petitioner had by an earlier order dated 19.04.2023, issued by the District Council been placed under suspension pending inquiry, and that one of the grievances in those complaints was the loss of confidence of several Lyngdoh's of Nongpoh Sirdarship on the writ petitioner. An inquiry was then gone into, which was conducted by a Judicial Magistrate of the District Council Courts, which then submitted an inquiry report dated 14.12.2023. Pursuant to the acceptance of the inquiry report dated 14.12.2023, the writ petitioner was then re-instated by the official respondents. A perusal of the inquiry report dated 14.12.2023, reflects that amongst the 6(six) charges framed in the inquiry, the loss of confidence was one of the charges, wherein the same has been discussed. However, it is also interesting to note that it is recorded in the inquiry report that no materials or evidence had been brought to substantiate the charge, by the complainants who also did not file any documents. As such, as the writ petitioner was exonerated of the charges, he was re-instated vide order dated 04.03.2024. No appeal was



thereafter filed against this re-instatement order by the complainants or the applicants.

8. Coming to the fresh turn of events, from the pleadings and arguments of the applicants, it is seen that on the fresh complaints against the writ petitioner filed between March and May, 2024, the writ petitioner by letter dated 27.05.2024, was directed to submit his show-cause. An examination of the fresh complaints dated 13.03.2024, reminder dated 30.04.2024 and 22.05.2024, reflects only the demand for re-initiation of the inquiry against the writ petitioner. A perusal of the show-cause reply has also been perused, wherein, the writ petitioner has reiterated his stand that he had faced the inquiry, wherein the complainants having failed to contest and produce documentary evidence, and as such, could not seek re-opening of the same, and further that the District Council respondents were not vested with powers, to review its own order.

9. As per the order of suspension dated 02.12.2024, it is seen that the matter was heard on 24.09.2024, and the parties were directed to submit their written arguments, which was then submitted by the complainants on 27.09.2024 and 04.10.2024, and by the writ petitioner on 03.10.2024. What is interesting to note at this juncture is the contents and statements contained in the said written argument dated 27.09.2024, on which heavy reliance has been placed upon by the applicants, which though styled as an objection to



the re-instatement, contains fresh allegations to which the writ petitioner was unaware of, and as such, could not have filed a show-cause or even submit written arguments on the same. As earlier noted, the writ petitioner was asked to show-cause to the complaints or petitions against re-instatement, and for re-initiation of inquiry, and it is not a case where the proceedings were to consider fresh charges or allegations. In the considered view of this Court, the second suspension therefore after re-instatement on new grounds that the writ petitioner had not been asked to show-cause to, would surely amount to a denial of adequate opportunity.

10. Section 6 of the United Khasi and Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act 1959, contemplates in the second proviso the opportunity of being heard before suspension or removal, which appears to have been resorted to by the District Council. Thus, it is not a case as contemplated under the exceptions provided to the second proviso, wherein an order of suspension can be made pending inquiry. Section 19 of the Act, though providing for emergency provisions in cases of administrative deadlock, to the mind of this Court, and on submissions of the parties would not be attracted at this stage, as the factum of administrative deadlock has not been established.

11. From the discussions above, what can be distilled from the facts and materials as placed, is with the disgruntlement of the applicants and certain



sections of the Dorbar with the discharge of functions by the writ petitioner in his capacity as the Sordar of Nongpoh Sirdarship, for which complaints notwithstanding the re-instatement in office, pursuant to the inquiry have been filed before the District Council. However, the manner in which the District Council respondents dealt with the prayer for re-initiation of inquiry, especially on the ground of lack of confidence, which was one of the charges in the earlier inquiry, and without affording opportunity to the writ petitioner to answer to the fresh charges has definitely resulted in the proceedings being irregular. The matter situated thus, and as further questions have arisen with regard to the office of the Sordar of Nongpoh, the prayer for vacation of the interim order is rejected at this stage, and the interim order dated 06.12.2024, is made absolute.

12. As the matter is of some urgency, the main writ petition shall be listed for hearing on 28th April, 2025 as a fixed matter.

13. These Misc. Applications are accordingly disposed of.

Judge

Meghalaya
16.04.2025
"D.Thabab-PS"