



Serial No.07
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 673 of 2025

Date of Decision: 16.12.2025

Shri. Kyrmenkhem Myrthong,
S/o Shri. Renel Kynter.

...Petitioner

-Versus-

1. The State of Meghalaya,
represented by the Chief Secretary.
2. The Deputy Commissioner,
East Khasi Hills District.
3. The Director of Tourism,
Government of Meghalaya.
4. The Superintendent of Police,
East Khasi Hills District.
5. The Officer in Charge,
Mawsynram Police Station,
Mawsynram.
6. The Dorbar Shnong Mawsynram Village,
Represented by its Headman.
7. The Executive Committee,
Mawsynram Village,
Represented by its Secretary.

...Respondents

8. The Secretary, Executive Committee,
Khasi Hills Autonomous District Council,
Shillong.



9. The Deputy Secretary,
Executive Committee,
Khasi Hills Autonomous District Council,
Shillong.
10. The Syiem of Mawsynram,
Mawsynram Syiemship.

...Pro Forma Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) :	Mr. L.Syiem, Adv. Mr. W.Bynnud, Adv.
For the Respondent(s) :	Mr. A.Kumar, AG with Ms. R.Colney, GA.

i) Whether approved for reporting in Law journals etc:	Yes/No
ii) Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. L.Syiem, learned counsel for the petitioner.
2. Mr. A.Kumar, learned Advocate General assisted by Ms. R.Colney,
learned GA is present and accepts notice for the respondents No. 1-5, so no
further notice is called for on these respondents.



3. The petitioner, who is stated to be the owner of a plot of land situated at Dongshilliang village, Mawsynram, is aggrieved with the action of the respondent No. 3, as also the respondents No. 6 & 7, which he alleges are seeking to set up a tourist facility within the land of the petitioner and the same is without any due process of law. It is further submitted that the respondents No. 6 & 7, due to the objection of the petitioner to the said construction, had assaulted the petitioner on 04-11-2025, for which an FIR had been lodged with the Mawsynram Police Station. He prays that at this stage he may be given some protection, and that the respondents be directed to cease all the construction activities which he claims is being done in his land.

4. Learned Advocate General appearing for the respondents No. 1-5, submits that the matter is purely a civil dispute for which the petitioner is at liberty to institute appropriate proceedings, if the allegations made are correct. Further, he submits that with regard to the FIR, a case has been registered and the law will take its course against the perpetrators. It is further submitted by learned Advocate General that as there is a likelihood of breach of peace, there is provision under Section 164 of the BNSS 2023, to allow the authorities to take appropriate action.

5. On hearing the learned counsel for the parties and from the pleadings as contained in the writ petition, as also the annexures thereto, it is seen that



the claim of the writ petitioner is based on certain land documents, and also on the existence of a Cooperative Society of which the petitioner is a member. It is also noted that certain photographs have been annexed which shows some construction activity, but which, however, cannot be verified at this stage by this Court as to its exact location. However, as the matter also concerns the assault that happened, which surely points out to the existence of a possibility of breach of peace, and also threatened dispossession, if the petitioner is the rightful owner of the property.

6. In these circumstances therefore, in the presence of disputed facts, it will not be possible for this Court to render any conclusive finding with regard to the claim of ownership or possession of the writ petitioner, and further, as there is a possibility of breach of peace, it is directed that the Executive Magistrate of Mawsynram Sub-Division take appropriate action under Section 164 of the BNSS, and to cause an inquiry and ensure that law and order is maintained. Liberty is however provided to the petitioner to also take recourse to civil remedy.

7. With these directions, the writ petition is disposed of. It is expected that on receipt of this order, the SDM will take prompt action.



8. As the matter has been disposed of at the motion stage itself, with the directions as contained above, notice to the respondents No. 6, 7 & 10 is dispensed with.

Judge