



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 710 of 2025 with
MC[WP(C)] No. 308 of 2025

Date of Decision: 29.12.2025

Shri. Shemphang Kharsati,
Son of Shri. L. Mawrie,
Resident of Mawryngkneng,
East Khasi Hills District, Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya, represented by its
Chief Secretary to the Government of
Meghalaya.
2. The Joint Secretary to the
Government of Meghalaya,
District Council Affairs Department.
3. The Deputy Commissioner,
East Khasi Hills District,
Shillong.
4. The District Magistrate,
East Khasi Hills District,
Shillong.

..... **Respondents**

5. Khasi Hills Autonomous District Council,
Shillong, represented by its
Secretary to the Executive Committee.

..... **Proforma Respondents**



Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Dr. N. Mozika, Sr. Adv. with Mr. M.L. Nongpiur, Adv. Ms. K. Gurung, Adv.
For the Respondent(s)	:	Mr. A. Kumar, AG with Ms. R. Colney, GA. for R 1-4. Mr. J.K. Pariat, Adv. vice Mr. T.T. Diengdoh, SC, KHADC/R 5.

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 Dr. N. Mozika, learned Sr. counsel assisted by Mr. M.L. Nongpiur, learned counsel for the petitioner.

2. The grievance of the petitioner herein is that he is running a check gate at Mawryngkneng-Mawkhanu, East Khasi Hills District for the purpose of checking of illegal trading by non-tribal commercial transport operators. It is the submission of the learned Sr. counsel that at an earlier point of time, the district administration through the Deputy Commissioner, East Khasi Hills District had passed an order dated 04.02.2025 under Section 163 BNSS, by which the operation of the said check gate was prevented. However, on the



petitioner approaching this Court through a writ petition being WP(C) No. 49 of 2025, this Court vide order dated 10.11.2025, has disposed of the same by observing that the said order dated 04.02.2025 passed by the Deputy Commissioner, East Khasi Hills District has since expired and has become redundant, thereby putting the petitioner in the same situation pre 04.02.2025 as far as the operation of the said check gate is concerned. However, the learned Sr. counsel further submits that on 04.12.2025, the Block Development Officer, Mawryngkneng along with the police officers from Diengpasoh Police Station without any semblance of any authority has directed the said check gate to be closed presumably on verbal instructions of the district administration.

3. Being aggrieved by such action, the petitioner had filed a representation dated 05.12.2025 to the Deputy Commissioner, East Khasi Hills District. Since there was no response to the said representation, this instant writ petition is hereby filed before this Court with a prayer, inter alia, that the concerned authorities are not to disturb or interfere with the operation of the said check gate of the petitioner.

4. Mr. A. Kumar, learned AG assisted by Ms. R. Colney, learned GA for the State respondent Nos. 1-4 has reiterated that the check gate of the petitioner is situated on the National Highway, and as such, the same being



violative of the relevant law, it is, but proper for the authorities to direct for closing down of such an illegal check gate. The learned AG has fairly submitted that he has no instructions as to the alleged action by the said Block Development Officer, Mawryngkneng. On a query made by this Court, the learned AG has agreed that this petition may be disposed of with a direction to the Deputy Commissioner to dispose of the said representation.

5. This Court upon hearing the learned counsels for the parties, is made to understand that the only grievance of the petitioner at this point of time, is with regard to the alleged action of the said Block Development Officer, wherein his check gate was directed to be closed presumably on the basis of an earlier order dated 04.02.2025 passed by the Deputy Commissioner, invoking Section 163 BNSS. As to the issue of whether the said check gate was situated on the National Highway or not, is not the subject matter to be decided in this instant petition at this point of time.

6. However, on the basis of what has been submitted by the learned Sr. counsel for the petitioner, and on perusal of the said representation dated 05.12.2025, this Court, would prima facie agree that, if the allegation is true that the said check gate was directed to be closed on verbal order conveyed by the said Block Development Officer, the same has therefore violated the natural principles of justice as far as the petitioner is concerned. However,



considering the fact that the said representation was dated 05.12.2025 and till date, no response was forthcoming from the part of the Deputy Commissioner, this Court, in view of such a situation, is agreeable to the submission that the Deputy Commissioner is to respond to the said representation.

7. Accordingly, this petition is hereby disposed of with a direction to the Deputy Commissioner to respond to the said representation dated 05.12.2025 within 10(ten) days from today. In the meantime, the operation of the check gate by the petitioner is not to be disturbed.

Judge