



Serial No. 27
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 94 of 2025

Date of Decision: 20.08.2026

1. Shri Jemson Ch. Marak
2. Shri Rajen A. Sangma
3. Smt. Demitha Ch. Marak
4. Shri Baljeng M. Sangma
5. Smti Mijinna Ch. Marak

... Petitioner(s)

Versus

1. The Garo Hills Autonomous District Council,
Represented by its Secretary, Executive Committee,
West Garo Hills, Tura
2. The Chief Executive Member,
Garo Hills Autonomous District Council,
West Garo Hills, Tura
3. The Deputy Chief Executive Member,
Garo Hills Autonomous District Council,
West Garo Hills, Tura
4. Shri Clason T. Sangma,
S/o Late Ranang Marak,
R/o Vill. Baladinggre,
P.O. Rongram, P.S. Tura,
District West Garo Hills, Meghalaya
5. Smti Noe Ch. Marak,
W/o Clason T. Sangma,
R/o Vill. Baladinggre,
P.O. Rongram, P.S. Tura,
District West Garo Hills, Meghalaya

... Respondent(s)



Coram:

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

Appearance:

For the Petitioner(s) : Mr. T.T. Diengdoh, Sr. Adv. with
Mr. C.C.T. Sangma, Adv.

For the Respondent(s) : Mr. S. Dey, Adv. (For R 1-3)
Mr. P.T. Sangma, Adv. (For R 4&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 the learned counsel for the parties.
2. The petitioner has come before this Court assailing the order dated 19.10.2023 passed by the District Council respondent in GHADC-Rev/53 A.C of 2018 and order dated 07.03.2025 passed in Misc. Case 92/2024 in GHADC Rev/53 A.C of 2018.
3. The issue in question concerns the dispute that has been raised by the respondents to the registration of the petitioner, as the Nokma of Sakalgiri Akhing. This matter it appears had been taken up by the office of the Deputy Chief Executive Member, In-Charge Land & Revenue, who



by an order dated 19.10.2023, was pleased to direct for a spot enquiry and to proceed with the case afresh. It is also noted that in the impugned order it is observed by the Executive Member, In-Charge Land & Revenue that some orders had been passed in favour of the Baladinggre (respondents) and some orders had been passed in favour of Sakalgiri, which is the petitioner. In the second impugned order dated 07.03.2025, the Deputy Chief Executive Member, In-Charge Land & Revenue, had directed for maintenance of status quo in the area of dispute and not to engage in any activity that may lead to disruption or law and order problem.

4. Mr. T.T. Diengdoh, learned Senior counsel assisted by Mr. C.C.T. Sangma, learned counsel for the petitioner has submitted that the issue in question had in fact been settled before this Court itself by an order dated 06.09.1996 passed in Civil Rule No. 3866 of 1991, whereby the then Jurisdictional Court i.e. Gauhati High Court had come to a finding that the petitioner (Respondent therein), was in fact in possession for a long period of time. He further submits that the prayer for creation of that Akhing had been considered by the authorities, and further submits that against the order of Deputy Chief Executive Member, In-Charge Land & Revenue, the writ petitioner however, instead of preferring an appeal before the Chief Executive Member under *The Garo Hills Autonomous District (Social Customs and Usages) Validating Act, 1958*, has



approached this Court directly, seeking for directions. He submits that perhaps the matter can be remanded back to the Court of the Executive Member, In-Charge Land & Revenue, for hearing the matter afresh, on the objections filed by the respondents by firstly taking into account the factum of res judicata and whether the same can be applied to the instant dispute.

5. Mr. S. Dey, learned counsel for the official respondents Nos. 1, 2 & 3, has submitted that the initial objection of the respondents was to the fact that the petitioner had directly approached this Court without exhausting the available statutory remedy as provided under Section-8 (2) of the Regulation. He further submits that as the learned Senior counsel for the petitioner has now clarified the position, he is not averse to acceding to the prayer for remand of the matter back to the Executive Member, In-Charge Land & Revenue.

6. Mr. P.T. Sangma, learned counsel for the respondents Nos. 4 & 5, though initially had raised objections, but in view of the submissions made by the parties, especially the official respondents and the learned Senior counsel for the petitioner submits that the matter can be remanded, for fresh consideration. With regard to the second impugned order, the learned counsel prays that the same may be maintained, so that there will be no disturbances in the area of dispute.



7. On hearing the learned counsel for the parties, this Court on the concurrence that had been arrived at, accordingly remands the Case No. GHADC-Rev/53 A.C of 2018 to the Court of the Executive Member, In-Charge Land & Revenue, for fresh consideration, and consequently the impugned order dated 19.10.2023, shall stand set aside. However, with regard to the second impugned order i.e. 07.03.2025 passed in Misc. Case 92/2024 in GHADC Rev/53 A.C of 2018, the same is maintained and shall remain in operation till further orders are passed by the Trial Court. It is further made clear that as preliminary issues had been raised with regard to res judicata keeping in mind the earlier litigation in the matter, the learned Executive Member, In-Charge Land & Revenue shall take first this point into consideration, before addressing other issues.

8. Accordingly, as ordered above, the matter stands closed and disposed of.

JUDGE

Meghalaya
20.08.2026
"V. Lyndem-AR-PS"