



Serial No. 40
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 124 of 2024

Date of Decision: 23.06.2026

Smti Clarinda Momin,
W/o Shri J.L.R. Marak,
R/o Rongjeng-Anepagittim,
P.O. & P.S. Rongjeng,
District: East Garo Hills, Meghalaya

.... Petitioner(s)

Versus

1. The Principal Secretary to the Govt. of Meghalaya,
Revenue and Disaster Management Department,
Shillong.
2. The Deputy Commissioner/District Collector,
East Garo Hills District, Williamnagar.
3. The Chief Engineer, PWD (Roads), Shillong
I/c National Highway from Shillong to Tura.
4. The Executive Engineer, PWD (Roads) NH,
East Garo Hills, Williamnagar.
5. The Regional Director,
BSC-C+C “JV”, Flat No. 302,
Ferndale Complex, M.G. Road,
Opposite ICB Building, Shillong-3,
East Khasi Hills District, Meghalaya.
6. The Union of India represented by
The Under Secretary to the Govt. of India,
Ministry of Road and Transport Communication,
New Delhi.



7. The National Highway Authority of India,
New Delhi.

.... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. A.H. Hazarika, Adv. with
Mr. M. Sarkar, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA (For R 1-4)
Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv. (For R 6)

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| 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. The writ petitioner is before this Court with a prayer for grant of compensation on the ground of damage that has been caused to her land in the construction of a National Highway No. 44-E, from Tura to Shillong via Rongjeng.

2. Mr. A.H. Hazarika, learned counsel for the petitioner has submitted that the claim of the writ petitioner is based on the Spot Enquiry dated 03.05.2023, which was conducted by the Block Development



Officer together with the Assistant Executive Engineer and Junior Engineer, PWD (Roads). It is further submitted that this Report was occasioned on the representation filed by the petitioner before the District authorities made in the light of the order dated 14.08.2019 passed in WP(C) No. 358 of 2017. The learned counsel has further submitted as per the Enquiry Report, it has been observed that for proper compensation, other Departments have to be consulted and clarification sought from the construction company as to whether the development of the land was done on the land owner's behest. He submits, being aggrieved that no further action was being taken from the part of the respondents, the instant writ petition has been filed.

3. Mr. N.D. Chullai, learned AAG assisted by Ms. Z.E. Nongkynrih, learned GA for the respondents Nos. 1 to 4, has at the outset submitted that the writ petitioner has suppressed vital facts in the instant writ petition, and in this respect has taken this Court to the sequence of events surrounding the matter. The learned AAG has firstly referred to the order dated 14.08.2019 passed in WP(C) No. 358 of 2017, and submits that at Para-4 of the said Judgment, reference has been made to another



writ petition being WP(C) No. 264 of 2018, wherein order dated 14.08.2018, had been passed for an enquiry. He submits that the writ petitioner was one of the petitioners in WP(C) No. 264 of 2018. Pursuant to the order dated 14.08.2019, he submits, a Detailed Enquiry had been gone into, wherein 14(fourteen) petitioners had claimed for compensation, of which the instant writ petitioner was one of them. The learned AAG has referred to Para-10 of the Report dated 29.11.2018, wherein it has been found on inspection that the said land of the petitioner was located outside the acquired portion, and as to the visible signs of development of land, clarification was to be sought from the company. This clarification he submits was obtained from the company, which has been annexed to the affidavit at Page-49 thereof, which shows that it was the petitioner who had requested for dumping of earth so that the land could be levelled for better use to her. The learned AAG submits that in the face of these circumstances and in view of the clear suppression of material facts before this Court, apart from mis-representation before the District authorities, which he submits is clearly evidenced in the affidavit, and by way of photographs, the writ petition be not entertained and the same be dismissed.



4. This Court on hearing the learned counsel for the parties, has firstly examined the order dated 14.08.2019 passed in WP(C) No. 358 of 2017 and notes that at Para-4 thereof, reference has been made to WP(C) No. 264 of 2018, wherein the writ petitioner was a party. The paragraph being relevant is reproduced hereinbelow: -

“4. At the outset, learned counsel for the parties are ad idem that this writ petition is squarely covered by the decision of this Court in other similar writ petition, i.e., WP (C) No.264 of 2018-Smti. Birolla S Sangma v. State of Meghalaya & ors passed on 14.08.2018 and submit that this writ petition may be disposed of in terms of the order dated 14.08.2018 passed in WP (C) No.264 of 2018. Reference was made to operative paras 9 and 10 of the decision which read thus:-

"9. The petitions with the consensus of the learned counsel for the parties are disposed of with a direction to the Deputy Commissioner, Williamnagar to specifically look into the issues i.e., whether any portion of the land or other property of the petitioners exists or existed adjacent to the National Highway which has been constructed from Tura to Shillong, in case answer shall be in affirmative then, as to whether the petitioners have suffered any damage due to the construction or in the process of construction of the road, if answer shall be in affirmative, then why their names were not included in the list as was styled 'List of beneficiaries' by the respondents wherein, according to the petitioners, the names of other similarly situated persons were included, therefore, on similar line inclusion or non-inclusion of the petitioners names in the list of



beneficiaries has to be looked into for payment of compensation, if any due.

10. The Deputy Commissioner, Williamnagar, himself or shall constitute a committee of two senior officers to look into the issues as referred to above. The exercise shall be undertaken and completed within a period of eight weeks. The result of consideration be it in affirmative or otherwise whatever permissible, according to the fact situation shall be conveyed to the petitioners, it shall be open to the petitioners thereafter, to have recourse to other available legal remedial measures, if required."

5. It is also noted in the writ petition that the writ petitioner has not mentioned the factum of the Spot Enquiry which had been conducted pursuant to the order dated 14.08.2018 passed in WP(C) No. 264 of 2018, but has relied upon the order dated 14.08.2019, which has caused for a second Enquiry and Report thereto, dated 03.05.2023. This however, in the considered opinion of this Court has not cloaked the petitioner with any further right as it had only been observed that a clarification be sought, as to whether the development complained about was done at the land owner's behest.

6. Coming to the Enquiry Report dated 29.11.2018, it is noted that the same is exhaustive, accompanied by diagrams, and was conducted



in compliance with the order dated 14.08.2018, passed by this Court. A perusal of the same at Para-10 thereof, specifically to the case of the petitioner, contains findings have been arrived at along with visual proof. Para-10, which is relevant is reproduced hereinbelow: -

“10 Smt. Clarinda Momin: Damage of land and properties as claimed by Smt Clarinda Momin was verified at chainage 99+ 281 to 99+379 KMS The said land was found to be located outside the acquired portion measuring about 21 x 98=2058 square metres Smt. Clarinda Momin claimed that her footpath along with cc culvert was damaged as the same was filled up by soil from earthwork by the construction company. However, the PWD staff informed that prior to construction of NH-44E there existed a crevice between the land of Smt. Clarinda Momin and PWD road. The said depression was created by a stream flowing through it and although one small culvert was constructed across it. The construction company was requested by Shri. Julius R Marak, husband of the petitioner to fill up the depression and level it to, avoid inconvenience of walking or driving down the depression created by small stream and again moving up the same to their residence and that the company acceded to his request by developing the land i.e leveling it on the same plane with NH-44E. The same query was put forth to Shri Julius R Marok who was present during spot inquiry along with Smt. Clarinda Momin who denied the same. However, during spot inquiry, visible signs of development of land under claim either by men or machine was seen. With respect to claims of Smt. Clarinda Momin necessary clarification may be sought from the construction company. Moreover, the claimant was also



found to have constructed fences even across the boundary pillar of the acquired portion of land.”

7. This Court also notes the photograph that has been annexed to the affidavit taken at the time of inspection, wherein it has been shown that the writ petitioner was present along with her husband. The next photo shows includes the picture of the land of the petitioner, which has been fenced.

8. Further, it is noted a clarification from the company has also been annexed to the affidavit, wherein at Page-49 at Sl. No. 6 thereof, the following findings have been recorded and the same is reproduced hereinbelow: -

6.	<i>(illegible) Clarinda Momin</i>	<i>99+281 to 99+379 (LHS)</i>	<i>Site appears to be developed and leveled. However claim for dumping of soil and damages there of claims</i>	<i>As pre verbal information by PWD sub- ordinate staff the depression caused by the small stream who developed and leveled at the request of the land owners for better convenience. For details please refer to Sl. No. 10 of the report and clarify.</i>	<i>The consent and permission of the land owner was taken verbally prior to dumping of the earth and soil and in fact the owner had even asked and requested us (the company) to dump the earth at the location so that the land can be leveled and be of better used to the land owner.</i>
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9. This Court in consideration of the facts and materials as placed, notes that the writ petitioner apart from not annexing any land documents, on the face of the record itself has suppressed vital events and documents, which has been exposed by the Enquiry Report, along with photographs, annexed in the affidavit of the State respondents.

10. The writ petitioner therefore, coming before this Court with unclean hands in order to derive undue benefit by attempting to mislead this Court, does not deserve any consideration, and the writ petition is accordingly dismissed with a cost of Rs. 50,000/- (Rupees Fifty Thousand) only to be paid to the Meghalaya State Legal Services Authority. The amount to be deposited to the Registry, for onward payment to the Meghalaya State Legal Services Authority, within 1(one) month from today.

JUDGE

Meghalaya
23.06.2026
"V. Lyndem-AR-PS"