



HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.18/2026

Date of Order: 05.06.2026

1. Shri Aritson R. Marak

2. Shri John D. Shira

3. Shri Depen N. Sangma

4. Shri Kanting Momin

..... Petitioners

Vs.

1. Smti. Phikir Khongwir

2. Smti. Erolin Lyngdoh

3. The Executive Magistrate, Ri-Bhoi District Nongpoh.

4. The Superintendent of Police, Ri-Bhoi District, Nongpoh,
Meghalaya.

5. The Officer-in-charge, Nongpoh Police Station, Ri-Bhoi
District, Nongpoh, Meghalaya.

6. The Officer-in-charge, Patharkhmah Police Station, Ri-Bhoi
District, Meghalaya.

..... Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioners : Mr. A.G. Momin, Adv

For the Respondents : Mr. C.L. Mawphlang, Adv with
Ms. E.K. Mawlong, Adv
Mr. R. Gurung, Addl.PP

**JUDGMENT: (Oral)**

Heard learned counsel for the petitioners, learned counsel for the respondent Nos.1 and 2 and learned Addl.PP appearing for the respondent Nos.3 to 6.

2. By this petition, the petitioners have impugned the order dated 31st October, 2005, passed by the Executive Magistrate, Ri-Bhoi District, Nongpoh, in CT Case No.46 of 2025; the order dated 26th November, 2025, passed by the Executive Magistrate, Ri-Bhoi District, Nongpoh, in Executive Proceeding No.1 of 2025 and the order dated 5th March, 2026, also passed by the Executive Magistrate, Ri-Bhoi District, Nongpoh, in CT Case No.45 of 2025. The petitioners also seek quashing of the entire proceedings, which are pending before the learned Executive Magistrate, Ri-Bhoi District, Nongpoh.

3. During the course of hearing of the aforesaid petition and having perused the impugned orders, it is seen that the petitioners have already executed the bond as directed by the Executive Magistrate. In view of the aforesaid, learned counsel for the petitioners does not press for quashing of the orders but



presses for quashing part of the order dated 26th November, 2025, which is reproduced herein;

“Once the harvesting is completed, the applicants (petitioners) are hereby directed not to carry out any further cultivation on the said land at any time in the future”.

4. Learned Addl.PP fairly states that an order under Section 164 of the BNSS can be passed in emergency situations and cannot be passed for an indefinite period. He further fairly states that the said direction could not have been passed by the Executive Magistrate, as it is the civil court which is competent to decide the rights of the parties, eventually.

5. In view of the aforesaid, the impugned order dated 26th November, 2025 which is reproduced hereinabove, is quashed and set aside only to that extent.

6. Needless to state that, all the parties i.e., the petitioners and the respondent Nos.1 and 2, are at liberty to approach the court of competent jurisdiction for seeking appropriate orders. This Court is informed that already civil suits have been filed by



both the parties against each other with respect to the subject land.

7. The petition is partly allowed and is disposed of to the extent stated aforesaid. Needless to state that, the Executive Magistrate to ensure that the procedure as set out in Section 164 of the BNSS is followed and complied with henceforth.

8. All parties to act on the authenticated copy of this order.

(Revati Mohite Dere)
Chief Justice

Meghalaya
05.06.2026
"Lam DR-PS"