



Serial Nos. 50
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 152 of 2025

Date of Decision: 10.06.2026

Smti Tharsita R. Marak,
D/o (L) Dewellingson G. Momin,
R/o Wakso, North Garo Hills District, Meghalaya **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, Tura
3. The Executive Member, In-charge, Revenue & Land,
Garo Hills Autonomous District Council, Tura
4. Smti Kangse R. Marak,
W/o (L) Anjeng Momin,
R/o Bajengdoba North Garo Hills District, Meghalaya-794108.
5. Smti Jalse R. Marak,
W/o (L) Netherson Marak,
R/o Bajengdoba North Garo Hills District,
Meghalaya-794108

... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Mr. S. Dey, Adv. (For R 1-3)
Mr. A.G. Momin, 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. This writ petition is directed against the order dated 10.12.2024 passed in GHADC-Rev/H.R Case No. 47 A/C of 2023, whereby a delay of 3442 days was condoned, in filing the application for recall of the order dated 12.03.2010 passed in GDC Rev/Apl. No. 5 A/c of 2007.

2. Mr. P.T. Sangma, learned counsel for the petitioner has submitted that the respondents Nos. 4 & 5, who were the appellants before the Court of the Chief Executive Member have hopelessly failed to provide any sufficient cause to warrant the condonation of delay of 3442 days. The learned counsel has drawn the attention of this Court to the application filed for condonation and has referred to Para-4, to show that the reasons set out therein will not amount to sufficient cause to condone the delay. He therefore, prays that the impugned order be quashed and the writ petition be allowed.

3. Mr. A.G. Momin, learned counsel for the respondents Nos 4 & 5, has submitted that the reasons for the delay in filing the application



for re-hearing the appeal are genuine, and there has been no intentional or deliberate act on the part of the respondents in pursuing the case. The learned counsel has submitted that due to these reasons and in view of the fact that the said respondents are illiterate and not aware of the procedural law, they may be given some consideration.

4. Mr. S. Dey, learned counsel for the respondents Nos. 1, 2 & 3, has submitted that the Chief Executive Member, had taken up the matter as per the directions of this Court dated 09.07.2019 passed in WP(C) No. 150 of 2017. He further submits that when the matter again travelled to this Court by way of WP(C) No. 35 of 2023, a statement had been made that no separate application for condonation had been preferred, this he submits is not correct as from the records it reveals that there was a separate application made for condonation of delay. He therefore, prays that the writ petition be not entertained and the same be dismissed.

5. This Court had considered the submissions made by the parties and examined the materials on record. It is seen that by the order dated 09.07.2019 passed in WP(C) No. 150 of 2017, more particularly at Para-6 thereof, this Court had directed as follows: - (Para-6 is quoted below)

“6. I have given my thoughtful consideration to the facts and circumstances of the case and the reasons which have been ascribed by the petitioner to explain the latches and lapses. Normally, petitions like these would not be entertained and would deserve no consideration. However,



in the instant case considering the situation of the petitioner who is illiterate, and in the interest of justice, in spite of the fact that much time has elapsed since passing of the impugned orders, the writ petitioner is permitted to go before the Chief Executive Member, G.H.A.D.C. by way of an application seeking condonation for the long delay and seek for recall of the order dated 12th March 2010 for re hearing of the appeal. The Chief Executive Member in his discretion shall examine the same on its merit and pass orders thereon. It is made clear that the impugned orders herein shall not be disturbed till the proceedings are finally concluded. It is further made clear that this case will not serve as a precedent in other similar matters.”

6. A perusal of the above quoted paragraph, would show that the writ petitioner was permitted to go before the Chief Executive Member by way of an application seeking condonation for the long delay, and that Chief Executive Member in his discretion was to examine the same on its merit and to pass orders thereon.

7. It appears that after intervening proceedings initiated by the petitioner, wherein the matter had again been taken up by this Court were over, the Chief Executive Member by the impugned order dated 10.12.2024, has examined the matter and in his discretion had condoned the said delay in filing the application by the respondents Nos. 4 & 5, for recall of the order dated 12.03.2010.



8. In the considered view of this Court therefore, no interference is called for taking into account the circumstances surrounding the entire issue and the order of this Court dated 09.07.2019.

As such, the prayer of the petitioner is rejected and the impugned order is upheld.

9. Accordingly, the writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
10.06.2026
"V. Lyndem AR-PS"