



Serial No. 03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 166 of 2025

Date of Decision: 09.04.2026

Shri Firstbornson Lyngkhoi,
S/o (L) L. Lyngdoh,
R/o Mawten, Mawkyrwat,
South West Khasi Hills District, Meghalaya

.... Petitioner(s)

Versus

1. The State of Meghalaya represented by
The Chief Secretary, Government of Meghalaya, Shillong.
2. The Department of Public Works (Roads & Building) Department,
Represented by the Secretary, Government of Meghalaya.
3. The Chief Engineer, Public Works Department (Roads)
Lachumiere, Shillong Meghalaya. 793119, Meghalaya
4. The Superintendent Engineer, Western Circle,
Public Works Department (Roads), Nongstoin,
West Khasi Hills District, Meghalaya.
5. The Executive Engineer, Public Works Department (Roads),
Nongstoin Division, Nongstoin - 793119,
West Khasi Hills District, Meghalaya.
6. Shri. Bunsing Sohphoh,
R/o Upper New Colony. Laitumkhrach. Shillong-03,
East Khasi Hills District, Meghalaya.
7. Shri. Specialist Rilung Marbaniang,
R/o Pyndengrei, Nongstoin,
West Khasi Hills District, Meghalaya-793119.



8. Smti. Banrihun Wahlang,
R/o Nongrangoi, Nongstoin,
West Khasi Hills District, Meghalaya-793119.
9. Smti. Brillianda Marngar,
R/o Lumpyngad, Nongstoin,
West Khasi Hills District. Meghalaya-793119.
10. Smti. Droining lawphniaw,
R/o Upper New Nongstpon, Nongstoin,
West Khasi Hills District, Meghalaya-793119.
11. Smti. Kynsai Kurbah,
R/o New Nongstoin, Nongstoin,
West Khasi Hills District, Meghalaya-793119.
12. Shri. Ioanis Lyngdoh,
R/o Ksehkohlong, Nongstoin,
West Khasi Hills District, Meghalaya-793119.
13. Smti. Rosiful Wanniang,
R/o Mawrusyiar, Nongstoin,
West Khasi Hills District, Meghalaya-793119. ... **Respondent(s)**

Coram:

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

Appearance:

For the Petitioner(s)	:	Ms. T. Sutnga, Adv. with Ms. A. Ksoo, Adv.
For the Respondent(s)	:	Mr. A. Kumar, AG with Mrs. T. Yangi B, AAG Mr. J.N. Rynjah, GA (For R 1-5) Mr. G. Syngkrem, Adv. (For R 6-13)



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 a registered Class-I Government contractor under the Public Works Department being aggrieved with the action of the respondent No. 5, in commencing the execution of a public road construction work for the “Improvement of the existing road including MBT of New Nongstoin to Nongstoin Village” including different link roads within Nongstoin in the month of October, 2024, without any approved sanction order or Notice Inviting Tender (NIT) is before this Court assailing the same.

2. Ms. T. Sutnga, learned counsel for the petitioner submits that in October, 2024 on coming to learn that road construction activities were being undertaken along the stretch from New Nongstoin to Nongstoin Village under the PWD (Roads) Nongstoin Division, the petitioner had sought information under the RTI Act on 14.10.2024. In reply thereto she submits, it was explicitly stated no sanction had been issued, nor was any NIT floated. Thereafter, she submits the petitioner came across a letter dated 27.03.2025, whereby it was revealed that administrative approval and



sanction for construction and improvement of different link roads at Nongstoin Village, were approved only in the month of March, 2025, for an amount of Rs. 6,82,26,100/- (Rupees Six Crores Eighty-Two Lakhs Twenty-Six Thousand and One Hundred) only for the period of 2024-25.

3. The learned counsel for the petitioner then submits that the respondents had acted illegally and arbitrary, inasmuch as, without the publication of a Notice Inviting Tender, the execution and commencement of the work had started in October, 2024 itself, prior to the receipt of administrative approval and sanction. The work she submits had been allotted with a mala fide intention to the respondents Nos. 6 to 13, in an oblique and un-transparent manner. It is further submitted that the petitioner has the right to participate in government contract works being a registered Class-I contractor, and the action of the respondents in favouring the selected persons without due process being followed in public matters, is illegal and arbitrary. The learned counsel has also contended that Courts have the power to review government actions including those related to infrastructure projects, to ensure that they are lawful and fair.

4. In the instant case she submits, though the work in question was in relation to a congregation that was to be held by the Nongstoin Church, the manner in which local contractors were selected was totally arbitrary and in violation of established procedures. The learned counsel has then



referred to the additional affidavit filed on behalf of the petitioner to show that though the respondents had produced a letter which reflected that the selection of contractors was on the basis of a letter issued by the Balang Presbyterian, Nongstoin dated 19.09.2024, however the undertaking for the construction as annexed to the affidavit of the State respondents, had already been signed and submitted by the contractors on 16.09.2024, which was prior to the date of the letter of the Church. She therefore, submits that the manner and conduct of the State respondents with regard to the suggestion and recommendation, clearly shows that the allocation of work was done in a collusive manner and on extraneous considerations. The learned counsel has also touched upon the principles of the Rule of Law, that mandates that all actions must be in accordance with law and not be based on personal discretion or bias, especially with regard to the adherence to financial rules and procedures, which are designed to ensure transparency and prevent misuse of public funds. In conclusion, the learned counsel has submitted that this Court in exercise of powers under Article-226, has wide discretionary powers to mould the relief, even if the same is not pleaded or prayed for.

5. In support of her case, the learned counsel has placed reliance on the following judgments: -

- i) **State of Andhra Pradesh & Ors. vs. Dr. Rao, V.B.J. Chelikani & Ors. 2024 SCC Online Sc 3432**



- ii) **Union of India & Ors. vs. Dinesh Engineer Corporation & Anr. (2001) 8 SCC 491**
- iii) **J. Ganapatha & Ors. vs. N. Selvarajalou Chetty Trust Rep. by its Trustees & Ors. 2025 SCC OnLine SC 633**
- iv) **Rajesh D. Darbar & Ors. vs. Narasingrao Krishnaji Kulkarni & Ors. (2003) 7 SCC 219**
- v) **M/s Power Carriers (India) Pvt. Ltd. vs. Shri G.M. Lanong & Ors. Writ Appeal No. 49 of 2010**
- vi) **The Meghalaya State Electricity Board (now Meghalaya Energy Corporation Ltd.) vs. Shri G.M. Lanong & Anr. Writ Appeal No. 6 of 2011**

6. The learned Advocate General assisted by Mr. J.N. Rynjah, learned GA for the respondents Nos. 1 to 5, at the outset has submitted that the writ petition does not survive for adjudication, as the work in question has been completed and that the petitioner has failed to provide justifiable ground for the delay in invoking writ remedy. It is submitted that the petitioner by his own admission, was aware about the on-going project in early October but however, filed the instant writ petition only in May, 2025, and as such on the ground of delay itself, the writ petition is not maintainable. It is further submitted that the writ petition is also liable to be dismissed, inasmuch as, the same relates to purely private interest of the petitioner in participating in the project at the cost of larger public interest, which is the improvement of the roads. The learned Advocate General, has



also submitted that the petitioner has failed to disclose the existence of any enforceable legal right in his favour, to seek a mandamus and on this failure to demonstrate any violation of a legal right or fundamental right, the writ petition is liable to be rejected.

7. The work in question it is further submitted was assigned to the contractors due to urgency which had arisen out of an emergent situation i.e. the holding of the event of a major congregation in the State, and that on the plea of the Nongstoin Presbyterian Church, vide letter dated 10.09.2024, the urgency of the project was recognised and local qualified and registered contractors who were aware of the ground realities, came forward to carry out the work, though with the knowledge that approval etc. would have taken time. The action of the respondents he submits, satisfies all the parameters that have been laid down by the Hon'ble Supreme Court, inasmuch as, the same was occasioned by genuine emergency, is in public interest and transparency was maintained through proper estimates with no advance payment, with the grant of work to multiple local contractors, based on their capability and past performance. With regard to the discrepancy in dates as pointed out by the learned counsel for the petitioner, the learned Advocate General has submitted that though the undertakings had been signed by the contractors prior to the recommendation made by the Church, the same was because the request of the Church was ongoing



as can be seen from the earlier letters dated 10.09.2024, requesting for construction of the road. He therefore, submits that there being no illegality in the entire process, the writ petition apart from having been rendered infructuous, is liable to be dismissed.

8. Mr. G. Syngkrem, learned counsel for respondents 6 to 13, has adopted the submissions made by the learned Advocate General and has not advanced any other arguments, except to iterate that the settlement of works was occasioned due to the urgency involved and the private respondents having the capacity, were tasked with the same.

9. Heard learned counsel for the parties. As observed, the grievance of the writ petitioner centers only around the deprivation of a chance to be considered for the aforementioned work, in spite of being eligible in all respects, due to the impugned actions of the State respondents who allocated the work to the respondents Nos. 6 to 13, without the same being tendered, or any due process being followed. In the narration of the facts as discussed above, the fact that the said work amounting to Rs. 6,82,26,100/- (Rupees Six Crores Eighty-Two Lakhs Twenty-Six Thousand and One Hundred) had been allocated to the respondents Nos. 6 to 13, without there being any semblance of due process such as the floating of a tender, is not disputed. Though strong objections have been raised by the State respondents on the ground of locus and delay, in the considered



view of this Court in the circumstances of the case, the same will not suffice to render the writ petition futile. The reason for this is primarily in the manner in which the work was allocated, which was admittedly not to public knowledge, or in the public domain, but confined only to the Church authority and the State respondents. Thus, it could only have been with the commencement of the construction, that the writ petitioner would be aware, or come to the knowledge that a project for which he also would have been otherwise eligible had been initiated. The subsequent steps taken such as obtaining the RTI replies and collating the other information, having been pursued by the petitioner, it therefore, cannot be held that the writ petition is hopelessly barred by delay. As for locus, the petitioner himself being an eligible contractor, the project being executed in the vicinity itself, for which he would have participated if the same was tendered, it is well within his right to question the procedure adopted in settling the work with the private respondents, de hors any known process.

10. Coming to the sequence of events, it is noted from the submissions and materials on record, that it is an admitted fact that no procedure of tendering the work, or any action to ensure transparency or equal opportunity, had been adopted by the respondents. A perusal of the affidavit filed by the State respondents at Para-12 thereof, would show that the process for sanction had already started and the estimates for the said



work of the road, had already been submitted by the Executive Engineer, PWD (Roads) vide letter dated 29.02.2024 to the Chief Engineer. Notwithstanding this aspect, what deserves the attention of this Court as highlighted by the petitioner, is the manner of allocation and identification of the private respondents to be only the persons suitable to be favoured with this public largesse. This Court has also noted the glaring contradiction in the stand of the State respondents, who have maintained that the contractors were appointed solely on the recommendation of the Church authorities vide a letter dated 19.09.2024, which is part of the record, when in fact in their affidavit itself, at running Annexure-R/4, the State respondents had already obtained undertakings from the respective contractors on 16.09.2024, to execute the work even though sanction was awaited. It would also be pertinent to note herein that on a pointed query by the Court from the counsel for the private respondents on this point, no answer was forthcoming, which all the more reinforces the case of the petitioner as to the arbitrary manner of allocation of the work. Though it has been argued that the course of action taken by the State respondents was necessitated, due to the paucity of time required to put the project through a formal tender process, it is however not understood as to how only the respondents Nos. 6 to 13, were cherry picked to be favoured with



the said works and why no recourse was taken to a issuance of a Short Tender Notice as is the norm for urgent works.

11. It is thus imperative to note at this juncture, that in matters involving dispensation of public largesse, such as allocation of contracts, or other resources, Courts especially the Supreme Court of India have laid down principles to ensure transparency, fairness and non-arbitrariness under Article-14 of the Constitution. It is therefore, necessary that the State must formulate well defined rules and guidelines before distributing any largesse to avoid arbitrary decisions. This would entail the adherence to the set procedure of public notification (tender), to allow competitive process, to maintain transparency in criteria, to ensure equal opportunity, to avoid arbitrariness, so that decisions must not be based on personal preferences, but should be rational and based on objective standards. To ensure accountability, the authorities should also document reasons for selecting or rejecting applicants, and if it is found necessary to deviate from following such due process or procedure, the same must be justified by the authorities, inasmuch as, the ultimate goal must be to serve public welfare not private or political interests.

12. In conclusion, looking into the totality of circumstances, what can be clearly discerned is that there has been a clear deviation from the established procedure in the settlement of contracts, notwithstanding the



urgency, or the other factors such as the want of sanction, where the state respondents have sought to justify their impugned actions. However, as the works have since been completed, and the reliefs prayed for are no longer available for consideration, and though the writ petitioner would have only be a potential bidder had an NIT been floated, this Court while disposing of the instant writ petition, deems it fit to award costs to the petitioner quantified at Rs. 50,000/- (Rupees Fifty Thousand) only.

13. The said cost, shall be borne by the State respondents to the extent of Rs. 10,000/- and the private respondents Nos. 6 to 13, Rs. 5,000/- each, to be paid within 4(four) weeks from the date of this order.

14. For the foregoing reasons, and as ordered above, the instant writ application is closed and disposed of.

JUDGE

Meghalaya
09.04.2026
"V. Lyndem-PS"