



**Serial No. 65**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 203 of 2026

Date of Decision: 01.06.2026

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Smti Lukhi Narleng,  
D/o Shri (L) Jaguram Teron, aged about 46 years,  
R/o H. No. 2, Khanapara, Hildubi,  
Ri-Bhoi District, Meghalaya-793101.

**... Petitioner(s)**

**Versus**

1. State of Meghalaya represented by  
The Chief Secretary, Government of Meghalaya,  
Main Secretariat, Shillong-793001.
2. Shri Arun Syiem,  
Syiem of Raid Marwet,  
Ri-Bhoi District, Meghalaya
3. Shri Jeremy Lyngdoh,  
Headman of Khanapara, Hildubi,  
Ri-Bhoi District, Meghalaya.
4. Syiem of Hima Myllem,  
Mawkhar, East Khasi Hills District,  
Meghalaya-793002.
5. Shri Robert Lyngdoh Mawphlang,  
S/o Shri (L) L. Dkhar,  
R/o Mawlai Phudmuri, East Khasi Hills District, Shillong,  
Meghalaya-793008.



6. Smti Balamon Kharpuri,  
D/o (L) Merilda Kharpuri,  
R/o Kharmalki, Malki, Shillong  
East Khasi Hills District, Meghalaya-793001

... Respondent(s)

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**Coram:**

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

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**Appearance:**

For the Petitioner(s) : Mr. P. Yobin, Adv. with  
Mr. A. Dkhar, Adv.

For the Respondent(s) : Ms. R. Colney, GA (For R 1)  
Ms. S.K. Nongrum, Adv. with  
Mr. M. Prasad, Adv. (For R 5)

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|-----|--------------------------------------------------------|--------|
| i)  | Whether approved for reporting in<br>Law journals etc: | Yes/No |
| ii) | Whether approved for publication<br>in press:          | Yes/No |
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**JDUGMENT AND ORDER (ORAL)**

1. The writ petitioner being aggrieved with the order dated 31.03.2026 passed in C.T. Case No. 42/2025 under Section 126/164 BNSS, is before this Court assailing the same. The main ground put up by the petitioner is that the Executive Magistrate has committed a grave illegality in declaring possession in favour of opposite party/respondent, when in fact by law the same is not called for.



2. Mr. P. Yobin, learned counsel for the petitioner has submitted that the power as provided under Section 126/164 BNSS is only for adoption of procedure where disputes concerning land or water is likely to cause breach of peace. He further submits that Section-126 only speaks about obtaining security for good behaviour from persons disseminating certain matters. Under the said provisions it is contended, there is no scope whatsoever to declare possession in favour of any party. In support of his submission, the learned counsel has placed reliance in the cases of (i) *Ashok Kumar vs. State of Uttarakhand & Ors. (2013) 3 SCC 366* and (ii) *R.H. Bhutani vs. Miss Mani J. Desai & Ors. AIR 1968 SC 1444*. He therefore, submits that the action of the Executive Magistrate being without jurisdiction, the impugned order be set aside and quashed.

3. Ms. S.K. Nongrum, learned counsel for the respondent No. 5, who is the complainant/first party in the 126/164 proceedings has submitted that the matter does not deserve any further consideration by this Court in view of the fact that a Title Suit has since been instituted, wherein orders are operating. In this context, the learned counsel has produced before this Court an order dated 06.05.2026 passed by the Subordinate District Council Court, Nongpoh in Misc. Case No. 111 of 2026 in Eject Case No. 6 of 2026. The learned counsel has further



submitted, that by this order the restraint on the petitioner is only against raising any further construction over the Suit land, selling and transferring the same or creating any third-party interest. She lastly submits that as the matter is purely a civil dispute, the criminal proceedings have lost force. She therefore, prays that the writ petition be dismissed.

4. Having heard the learned counsel for the parties and on examination of the provisions, prima facie it is seen that the learned Executive Magistrate has not appreciated the stipulations contained in the stated provisions that is Section 126/164 BNSS, which deal only with the breach of peace or obtaining security of the persons concerned.

5. In this view of the matter, the impugned order being without jurisdiction, the same is set aside and quashed.

6. However, before parting with the records, it is observed that as the matter is before the Civil Court, the petitioner is to pursue the matter before that forum.

7. As ordered above, the matter stands closed and disposed of.

**JUDGE**

Meghalaya  
01.06.2026  
**"V. Lyndem-PS"**