



Serial No. 02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 51 of 2025

Date of order: 27.01.2026

George M. Lanong

....Appellant

- versus -

1. The State of Meghalaya, through the Secretary to the Government of Meghalaya, Department of Law, Meghalaya Civil Secretariat, Shillong, Meghalaya, PIN-793001

2. Md. Habib

...Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr S. Chakrawarty, Sr. Adv. with
Mr E. Laloo, Adv.

For the Respondents : Mr A. Kumar, Advocate General with
Mr K.P. Bhattacharjee, GA
Mr B. Deb, Adv. [for R2]

i) Whether approved for Yes/No
reporting in Law journals etc.:

ii) Whether approved for publication Yes/No
in press:

JUDGMENT: (per the Hon'ble, the Chief Justice)

In the aforesaid appeal, the appellant has impugned the judgment and order dated 31st July, 2024 passed in WP(C) No. 140 of 2023, by which the learned Single Judge dismissed the said petition as not being maintainable.



2. Admittedly, the appellant is a tenant of the respondent No. 2 in his building named ‘Crescent Plaza’ at G.S. Road, Police Bazaar, Shillong. The appellant is running a hotel under the name and style of “Hotel Lamlyn” in the said premises. It is the appellant’s case that as the respondent No. 2 had refused to take rent, the petitioner had been depositing the same before the concerned court for several months. According to the appellant, the last deposit was made by the appellant in the court sometime in January, 2020 i.e., prior to COVID-19 pandemic. As the appellant i.e., the tenant was unable to deposit the arrears of rent, the appellant filed WP(C) No. 140 of 2023 in this Court and sought extension of limitation of 30 days stipulated by the Meghalaya Urban Areas Rent Control Act, 1972 and as such, sought permission to deposit the total accrued amount of arrears of rent as, one-time deposit. The non-deposit of rent on time was attributed solely to COVID-19 pandemic. The learned Single Judge after hearing the parties dismissed the said writ petition as not being maintainable, on three counts:

(i) that the dispute was a private dispute for which the petitioner (appellant) had an alternate efficacious remedy of approaching the Rent Court;



(ii) that there were disputed questions of fact with respect to claim of payment of rent; and

(iii) that the Apex Court vide its order had allowed relaxation up to 28th February, 2022 whereas, the appellant had approached this court on 18th May, 2023 after more than a year.

3. Mr S. Chakrawarty, learned senior counsel for the appellant assailed the impugned judgment and order on the following counts:

(i) that the relevant provisions of law, including the Meghalaya Urban Areas Rent Control Act, 1972 did not provide for a one-time deposit of accumulated arrears of rent, due to any extraordinary situation, like the COVID-19 pandemic and hence the only alternative for the appellant (original petitioner) was to approach this Court in writ jurisdiction.

(ii) that by the writ petition, the appellant was only seeking a direction to condone the delay of 30 days prescribed for deposit of rent in court under Section 5(4) of the Meghalaya Urban Areas Rent Control Act, 1972 in exercise of the extraordinary writ jurisdiction of this Court;



- (iii) that the Rent Court is not empowered in law to condone the delay in deposit of rent beyond the prescribed period of 30 days from the date of the rent becoming due;
- (iv) that the issue before the learned Single Judge was only whether the delay in deposit of rent can be condoned and permitting deposit of arrears of rent as a one-time measure and as such, the learned judge ought not to have gone into any other issues/facts, as noted in the judgment; and
- (v) that the learned judge failed to take into consideration the orders passed by the Apex Court from time to time granting extension to the prescribed limitation under different laws.

4. Learned counsel for the respondent vehemently opposed the petition on the following counts:

- (i) that no interference was warranted in the impugned judgment and order passed by the learned Single Judge of this Court;
- (ii) that the writ petition filed before the learned Single Judge was not maintainable as it was purely a private civil dispute between the appellant (original petitioner - tenant) and the respondent No. 2 (landlord) and that the State of Meghalaya was joined in the writ petition without seeking any relief as against the State i.e., the respondent No. 1;



(iii) that the dispute was purely civil in nature i.e., between the tenant and the landlord and that the appellant had an alternate efficacious remedy under Section 8 of the Meghalaya Urban Areas Rent Control Act, 1972;

(iv) that the appellant had incorrectly represented in the petition that he was in arrears of rent w.e.f. February, 2020 and that he was unable to pay the said rent due to COVID-19 pandemic, when in fact, the appellant had defaulted in paying rent from March, 2016. It is submitted that in fact, the respondent No. 2 had filed an eviction suit in April, 2018 against the appellant, being Title Suit No. 5(H) of 2018 and that the same is pending for disposal before the trial court.

(v) that the question of granting extension of the limitation period i.e., of 30 days for payment of rent as permitted by the Apex Court does not arise, inasmuch as the appellant had defaulted in payment of rent from March, 2016, much prior to the decision of the Apex Court. It is submitted that even after the decision of the Apex Court granting extension of the limitation period i.e., the appellant (original petitioner) approached this Court only in May, 2023 whereas the extended limitation period was only till 1st March, 2022, i.e., after more than one year of the extended period.



(vi) that the appellant had not attempted to deposit the arrears of rent in the trial/rent court since March, 2016 and that after a gap of more than one year from the date of extension of limitation period granted by the Apex Court, the appellant had approached this Court in May, 2023. It is submitted that no plausible explanation/justification is offered for filing the petition belatedly and as such, the petition also suffers from delay and laches.

5. We have perused the papers including the impugned judgment and order dated 31st July, 2024 passed in WP(C) No. 140 of 2023.

6. We may note, that there is a dispute between the appellant (original petitioner) and the respondent No. 2, who are tenant and landlord respectively and there is a title suit filed by the respondent No.2, which is pending in the trial court. The dispute between the parties is also as to when the last rent was paid. According to the appellant, the last rent was paid in February, 2020 whereas according to the respondent No. 2, the last rent was paid in March, 2016. From a perusal of the papers, it appears that the respondent No. 2 has filed a suit being Title Suit No. 5(H) of 2018 for ejectment, recovery of khash possession, arrears of rent, and other reliefs. In paragraph 7 of the said title suit, it is categorically averred



that the appellant (defendant in the said suit) is a habitual defaulter, who has defaulted in payment of rent from March, 2016 and has not paid rent despite several requests. In fact, the prayers in the suit are for eviction; for delivery of khash possession after eviction and for recovery of arrears of rent of ₹ 6,37,586/- being the arrears of rent and GST from the appellant calculated up to March, 2018 etc. Thus, it is clearly evident that the question of payment of rent is a question, which is disputed by both the parties and as such, raises disputed questions of fact, which cannot be gone into in writ jurisdiction. Even otherwise, the dispute between the parties is a private dispute, for which the appellant has an alternate remedy i.e., of approaching the Rent Court.

7. As far as the last submission that the appellant was only seeking extension of time to deposit arrears of rent is concerned, it is evident that the Apex Court vide its orders had allowed relaxation up to 20th February, 2022. It is a matter of record that the appellant (original petitioner) had approached this Court by filing a writ petition, being WP(C) No. 140 of 2023 on 18th May, 2023 after a lapse of more than one year.



8. The learned Single Judge after taking into consideration all the aforesaid facts has rightly dismissed the writ petition and as such, no infirmity can be found in the impugned judgment and order.

9. The appeal being devoid of merit stands dismissed.

10. Needless to say, that the appellant is always at liberty to file appropriate proceeding before the appropriate forum as may be maintainable in law. We make it clear that we have not gone into the merits of the case with respect to payment of rent and as such keep all contentions of all parties on merits open.

(W. Diengdoh)
Judge

(Revati Mohite Dere)
Chief Justice