



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.85 of 2024

Date of Hearing: 03.07.2026

Date of Decision: 15.07.2026

1. Shri. Aban Momin,
S/o (L) Welson Sangma,
R/o Rongrekgiri, P.O. & P.S. Williamnagar,
East Garo Hills, Meghalaya.
2. Smti Jostina R. Marak,
W/o Shri Aban Momin,
R/o Rongrekgiri, P.O. & P.S. Williamnagar,
East Garo Hills, Meghalaya.

.....Appellants

-VERSUS-

1. Garo Hills Autonomous District Council, Tura
Represented by the Secretary to the Executive
Committee, GHADC, Tura.
2. The Executive Member, I/C Land & Revenue
GHADC, Tura.
3. The Chief Executive Member, GHADC, Tura.
4. Smti Nerinjinjing R. Sangma,
W/o (L) Withing Marak,
R/o Rongrekgiri, P.O. & P.S. Williamnagar,
East Garo Hills, Meghalaya.

.....Respondent



Coram:

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

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K.C. Gautam, Adv with
Mr. J.M. Sangma, Adv

For the Respondent(s) : Mr. S. Dey, Adv with
Ms. M. Nayang, Adv(R:1-3)
Mr. P. Nongbri, Adv with
Ms. T. Sutnga, Adv (R:4)

Judgment and Order

Per. B. Bhattacharjee, Judge:

1. This intra court appeal is filed against the impugned Judgment dated 04.10.2024 passed by the learned Single Judge in WP(C) No.171 of 2021 by which the prayer of the appellants/writ petitioners to quash and set aside the order dated 17.12.2019 of the Executive Member (EM) and the order dated 16.10.2020 of the Chief Executive Member (CEM), Garo Hills Autonomous District Council (GHADC) was rejected and the writ petition was dismissed being devoid of merit.

2. The controversy involved in the present matter is with regard to the succession and appointment of Nokma of Rongrekgiri A'king land. While the appellants contention is that the Rongrekgiri A'king solely belongs to the Raksam clan and the appellants are the only legitimate Nokmas of the A'king, the case of the respondent No.4 is that the Rongrekgiri A'king belongs jointly to the Rongmuthu clan and the Raksam clan and there has always been two joint Nokmas of the said A'king appointed one each from the respective clan. The respondent No.4 is the last appointed Nokma from the Rongmuthu clan.

3. It appears that the dispute between the appellants and the private



respondent No.4 came to fore after an application seeking appointment of the respondent No.4 and her husband, Shri. Withing Marak (now deceased), as Nokma of the Rongrekgiri A'king was allowed by order dated 22.08.1997 of the learned EM, GHADC. Being aggrieved, the appellants filed an appeal before the learned CEM, GHADC, which was dismissed vide order dated 23.09.2003. The orders dated 22.08.1997 and 23.09.2003 were further challenged by the appellants before the erstwhile Gauhati High Court, Shillong Bench in WP(C) No.340(SH) 2005. The High Court by order dated 31.07.2006 set aside both the impugned orders and remanded back the matter to the learned EM, GHADC for fresh consideration after affording opportunity to both the parties to adduce evidence and make submissions.

4. On remand of the matter, the learned EM proceeded afresh and by order dated 23.07.2012 passed in GDC-REV/AC No.94 of 2006 allowed the appellants to continue as Nokma of the Rongrekgiri A'king by rejecting the claim of the respondent No.4. On appeal, the learned CEM, by order dated 19.12.2013 reversed the finding of the learned EM and directed the respondent No.4 to continue as Nokma of the Rongrekgiri A'king, since the A'king belonged jointly to the Raksam clan and the Rongmuthu clan as per the record. The decision of the learned CEM came to be challenged again in WP(C) No.26 of 2012 before this High Court by the appellants. This High Court by Judgment and Order dated 08.03.2018 set aside the order dated 19.12.2013 of the learned CEM, and remitted back the matter for reconsideration by the learned EM within one month from the date of receipt of the copy of the Judgment and Order. Similarly, the learned CEM was also directed by the High Court that in the event of filing of any appeal, the same should be decided within one month from the date of filing of the appeal.

5. Subsequent to the passing of the Judgment and Order dated 08.03.2018, the learned EM took up the entire matter for reconsideration and by order dated 17.12.2019 passed in GHADC Rev Appeal Case No.21 of 2018 ordered the respondent No.4 to continue as Nokma of the Rongrekgiri



A'king representing the Rongmuthu clan. The appeal preferred against the said order dated 17.12.2019 by the appellants was dismissed by the learned CEM by order dated 16.10.2020 passed in Rev-Appeal No.12 A/C/ of 2020. The appellants, being aggrieved, approached this High Court again by way of WP(C) No.17 of 2024 praying for quashing and setting aside of the aforesaid orders dated 17.12.2019 and 16.10.2020 and for referral of the matter to the court of the learned Judge, GHADC for proper adjudication. The WP(C) No.17 of 2024 was dismissed by the impugned Judgment dated 04.10.2024 which resulted in filing of the present writ appeal.

6. Assailing the impugned Judgment, Mr. K.C. Gautam, learned counsel for the appellants submits that the learned Single Judge has failed to appreciate the fact that the order dated 17.12.2019 of the EM and the order dated 16.10.2020 of the CEM were not passed strictly in accordance with the Judgment and Order dated 08.03.2018 of the High Court. He submits that there is nothing on record to show that the witnesses were cross-examined as per the direction of the High Court. He also contends that no reason has been assigned in the orders of the EM and the CEM as to why registration of the private respondent No.4 as Nokma has been upheld. He further contends that the orders passed by the EM and the CEM do not show that there was consideration of the relevant official records dating back to the year 1918 and other evidences adduced during the course of the proceedings. He submits that the earlier order dated 23.07.2012 of the EM which was not interfered with by the High Court in its Judgment and Order dated 08.03.2018 was still in force at the time of reconsideration of the matter by the EM and the CEM and it was improper on their part to ignore the said order dated 23.07.2012 while passing the orders dated 17.12.2019 and 16.10.2020. He submits that the learned Single Judge also erred in not considering the above aspect of the matter and thereby came to a wrong conclusion. He, therefore, submits that the impugned Judgement dated 04.10.2024 is not tenable in the eye of law and prays that the same may be



set aside and quashed.

7. In contrast, Mr. S. Dey, learned counsel appearing for the respondent Nos. 1, 2 & 3 supports the impugned Judgment and submits that there is no illegality or infirmity in the decision of the learned Single Judge. He submits that the issue raised in the writ petition stood settled way back in the year 1927 on the basis of a report dated 12.12.1927 filed before the then Deputy Commissioner showing the purchase of Rongrekgiri A'king jointly by Sanna Nokma of the Raksam clan and Khaman Nokma of the Rongmuthu clan in the year 1917. He submits that the prayer made by the appellants in the writ petition for interference with the *ex parte* order dated 16.10.2020 was rejected correctly by the learned Single Judge in view of the fact that the order was not an *ex parte* order. He further submits that the prayer of the appellants in the writ petition for referral of the matter to the Judge, District Council for proper adjudication is also not legally tenable in view of the bar posed by Section 11 of the Garo Autonomous District (Social Customs and Usages) Validating (Amendment) Act, 1972. He submits that since the year 1927, the management of Rongrekgiri A'king has been jointly run by the Nokmas of the Raksam clan and the Rongmuthu clan and hence, any order passed at this stage at the instance of the appellants would unsettle the settled position resulting in unjust outcome. He, thus, prays for dismissal of the writ appeal.

8. Mr. P. Nongbri, learned counsel appearing for the respondent No.4 endorses the submission made on behalf of the respondent Nos. 1, 2 & 3 and additionally submits that the appellants have failed to point out any perversity in the order dated 17.12.2019 of the EM and the order dated 16.10.2020 of the CEM. In absence of any absolute perversity, he submits, concurrent findings arrived at by three adjudicating authorities cannot be interfered with as a matter of course and in support of his contention places reliance on the decision of the Apex Court in *Sukhbiri Devi & ors v. Union of India & ors*, 2022 SCC OnLine SC 1322.



9. Upon hearing the arguments advanced on behalf of the rival parties and on perusal of materials on record it appears that this is the third round of litigation between the parties before the High Court. In both the earlier occasions, the matter was remitted back for reconsideration by the EM and the CEM. The claim of the appellants and the respondent No.4 over the Rongregkiri A'king are based on the historical background dating back to the year 1918. According to the appellants, the Rongregkiri A'king was purchased in the year 1918 for a sum of Rs.800/- by Sanna Nokma and Jimra Nokma and since then the Raksam clan has been in exclusive possession and management of the A'king. The respondent No. 4, on the other hand, claims that the Rongregkiri A'king was purchased in the year 1917 for an amount of Rs.400/- each contributed equally by Sanna Nokma of the Raksam clan and Khaman Nokma of the Rongmuthu clan and the then Deputy Commissioner of Garo Hills by order dated 25.04.1938 had confirmed that Sanna and Khaman are Nokmas of the Rongregkiri A'king.

10. Perusal of the order dated 17.12.2019 of the EM and the order dated 16.10.2020 of the CEM show that the orders were passed on the basis of the official records and the depositions of the witnesses recorded during the course of the proceeding. The description and details of the official records on which both the authorities came to their respective findings have been specifically indicated. The order dated 17.12.2019 of the EM clearly indicates that the finding as to the payment of Rs.400/- each by Sanna Nokma and Khaman Nokma for purchase of the Rongregkiri A'king was recorded on the basis of a report by J.M. David, Mouzadar IV, which was approved by the then Deputy Commissioner, G.D. Walker, Garo Hills on 12.12.1927. Furthermore, the CEM in his order dated 16.10.2020 concurred with the view of the EM by holding that the findings dated 25.04.1938 passed by the then Deputy Commissioner in Misc.A'king Case of 1937-38 unambiguously stated that though originally in 1918, the A'king in question was purchased by Sanna and Jimra, the two brothers-in-law, for Rs.800/-



(Rs. 400/- each), but Jimra failed to pay his share and one Khaman paid the purchase amount and subsequently his name was registered as joint male Nokma representing the Rongmuthu clan. Further, the order dated 16.10.2020 categorically recorded that the EM had allowed cross examination of witnesses (four in numbers). Therefore, the contention of the learned counsel for the appellants that there was no consideration of official records dating back to the year 1918 and the witnesses were not cross examined do not find support from the materials on record.

11. It appears from the impugned Judgment that the relevant records of the EM and the CEM were placed before the before the learned Single Judge, whereupon, it was found that the appellant Shri. Aban Momin had filed his hazira indicating his presence before the CEM on 16.10.2020. The learned Single Judge, therefore, rejected the contention of the appellants that they were never heard by the learned CEM on the date of the hearing of the appeal. We do not see a reason to interfere with the said finding as nothing has been placed before us by the appellants to dislodge the same.

12. The contention of the appellants that the earlier order of the EM dated 23.07.2012 was still in force as the same was not interfered by the High Court in its judgment and order 08.03.2018 appears to be totally misplaced as the judgment and order dated 08.03.2018 specifically contained the direction for reconsideration of the entire matter by both the EM and the CEM. Once a direction for reconsideration of the entire matter by both the authorities was passed, by no stretch of interpretation, it can be said that the said order dated 23.07.2012 was still in force after passing of the judgment and order dated 08.03.2018 by this High Court. As a matter of fact, the appellants themselves appeared before the EM after passing of the judgment and order dated 08.03.2018 for reconsideration of their case. The plea, as such, has no legal footing to stand and is hereby rejected.

13. Section 11 of the Garo Hills Autonomous District (Social Customs and Usages) Validating Act, 1958 (as amended by the 1972 Act) bars civil



courts from entertaining any suits or proceedings concerning disputes over the appointment or succession of Nokmas. The prayer of the appellants in the writ petition for referral of the matter to the Judge, District Council, is not legally tenable as the Judge, District Council, discharges judicial function in terms of the related provisions of the Sixth Schedule of the Constitution of India and the Garo Hills Autonomous District (Administration of Justice) Rules, 1953 which includes civil cases/proceedings. The Judge, District Council Court, therefore, is a civil court within the meaning of Section 11 of the Act, 1958 (as amended by the 1972 Act).

14. Insofar as the present case is concerned, the EM and the CEM have taken concurrent view relying on the materials available in the official records reflected in their respective orders and also other evidences. In matters of this nature, where a factual dispute involving succession and appointment of Nokma is concerned, the High Court in exercise of its power of judicial review normally should not interfere with the decision of the competent body insofar as the factual determination is concerned, until and unless such decision is marked by absolute perversity. Determination of factual aspect, right or wrong, would not entitle the High Court to invoke its certiorari jurisdiction to correct all errors that may have been committed by the authority concerned.

15. In *Sawarn Singh v. State of Punjab*, (1976) 2 SCC 868, the Apex Court while dealing with the extent of interference under certiorari jurisdiction with regard to finding of facts held: -

“12. Before dealing with the contentions canvassed, it will be useful to notice the general principles indicating the limits of the jurisdiction of the High Court in writ proceedings under article 226. It is well-settled that certiorari jurisdiction can be exercised only for correcting errors of jurisdiction committed by inferior courts or tribunals. A writ of certiorari can be issued only in the exercise of supervisory jurisdiction which is different from appellate jurisdiction. The court exercising special jurisdiction under article 226 is not entitled to act as an



appellate court. As was pointed out by this court in Syed Yakoob's case. [Syed Yakoob v. K.S. Radhakrishnan, AIR 1964 SC 477].

“this limitation necessarily means that findings of fact reached by the inferior court or Tribunal as a result of the appreciation of evidence cannot be re-opened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ but not an error of fact, however, grave it may appear to be.”

13. In regard to a finding of fact recorded by an inferior tribunal, a writ of Certiorari can be issued only if in recording such a finding the tribunal has acted on evidence which is legally inadmissible, or has refused to admit admissible evidence, or if the finding is not supported by any evidence at all, because in such cases the error amounts to an error of law. The writ jurisdiction extends, only to cases where orders are passed by inferior courts or Tribunals in excess of their jurisdiction or as a result of their refusal to exercise jurisdiction vested in them or they act illegally or improperly in the exercise of their jurisdiction causing grave miscarriage of justice.”

16. Similarly, in *State of Andhra Pradesh & ors v. Chitra Venkata Rao*, (1975) 2 SCC 557, it was held as under: -

“23. The jurisdiction to issue a writ of certiorari under article 226 a supervisory jurisdiction. The court exercises it not as an Appellate Court. The findings of fact reached by an inferior court or Tribunal as a result of the appreciation of evidence are not re-opened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however, grave it may appear to be. In regard to a finding of fact recorded by a Tribunal, a writ can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible evidence which has influenced the impugned finding. Again, if a finding of fact is based on no evidence, that would be regarded as error of law which can be corrected by a writ of certiorari. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and



the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal.”

17. In the present case, nothing has been pointed out by the appellants to project any jurisdictional error committed by the EM and/or the CEM. No example of violation of any principle of natural justice has been cited. The appellants also failed to show any perversity in the view taken by the EM and the CEM, either in law or in appreciation of the evidence. Moreover, no finding of the learned Single Judge has been challenged by the appellants on the ground that the same was recorded without there being any materials on record or by travelling beyond the record.

18. For what has been discussed above, there is no merit in the present writ appeal and the same is accordingly dismissed. No costs.

(B. Bhattacharjee)
Judge

(Revati Mohite Dere)
Chief Justice

Meghalaya
15.07.2026
“Shrity,PS”