Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 24 of 2020

Date of order: 29.01.2020

Nobin Ali & Ors. Vs. G.H.A.D.C. & Ors.

Coram:
Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice

Appearance:

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

For the Respondent(s) : Mr. S. Dey, Adv. (For R 1 & 2)
Mr. H.L. Shangreiso, Adv. (For R 5)

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

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

1. The eleven writ petitioners have approached this Court challenging the order dated 14.11.2019 (Annexure-23) passed by the Secretary to the Executive Committee, Garo Hills Autonomous District Council, Tura, cancelling the appointment of respondent No. 5 Shri Islam Hoque Choudhury as Gaonbura of Garodubi village and appointing respondent No. 3 Shri Hasan Ali in his place.

2. Mr. S. Dey learned counsel appearing for the respondents-GHADC submitted that the affected person namely, Shri Islam Hoque Choudhury, has already challenged not only the order of cancellation of his appointment but also the resolution carried out by the Gram Sabha meeting dated 11.08.2019 in WP(C) No. 545 of 2019. Since the same dispute in another writ petition is already pending adjudication before this Court, the writ petition filed at the instance of the villagers may not be entertained. It is also argued that this Court by interim order passed on 09.12.2019 has already directed that the appointment of respondent No. 3 in the present writ petition shall remain subject to outcome of the aforesaid writ petition.

3. Learned counsel for the petitioners has, however, submitted that the very foundation of passing the impugned order while cancelling the

appointment of Shri Islam Hoque Choudhury and appointing Shri Hasan Ali is wrong and his appointment as Gaonbura has to be made by election and not by selection, the present writ petition may also be entertained.

4. Having regard to the material available on record and perusal of the prayer clause in WP(C) No. 545 of 2015 have made the same prayer, which the petitioners in the present writ petition challenging the appointment of respondent No. 3 and cancellation of the appointment of respondent No. 5 as Gaonbura of Garodubi village has been made in the other writ petition No. 545 of 2019. This Court further does not deem it appropriate to entertain another writ petition on the same dispute. However, liberty is granted to the petitioners to apply for impleadment/intervention in the aforesaid writ petition. It goes without saying that the argument that the appointment of Shri Hasam Ali has to be made by election and not selection shall be considered in WP(C) No. 545 of 2019.

5. Writ petition is disposed of with aforementioned liberty to the petitioners.

सत्यमेव जयते
HIGH COURT OF MEGHALAYA

(Mohammad Rafiq)
Chief Justice

Meghalaya
29.01.2020
"Sylvana PS"